RECREATIONAL BOATING SAFETY ISSUES

HEARING

BEFORE THE

SUBCOMMITTEE ON
COAST GUARD AND NAVIGATION

OF THE

COMMITTEE ON
MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

GENERAL ISSUES RELATING TO BOATING SAFETY EDUCATION, LICENSING, TITLING, LAW ENFORCEMENT, ALCOHOL ABUSE, THE HAZARDS OF "FAST" BOATS AND OTHER PERSONAL WATER CRAFT, AND THE LEVEL OF COOPERATION BETWEEN FEDERAL AND STATE AGENCIES IN THESE ISSUES

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RECREATIONAL BOATING SAFETY ISSUES

MONDAY, APRIL 25, 1988

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION,
COMMITTEE ON MERCHANT MARINE AND FISHERIES.
Riverhead, NY.

The Subcommittee met, pursuant to notice, at 9:50 a.m., in Riverhead Town Hall, Riverhead, NY, Honorable Earl Hutto, Chairman of the Subcommittee, presiding.

Present: Representatives Owen B. Pickett, George J. Hochbrueckner.

Staff present: Larry Innis, Subcommittee Staff; Kurt Oxley, Assistant to Chief Counsel; Sherry Steele, Minority Professional Staff; Marsha Canter, Clerk.

STATEMENT OF HON. EARL HUTTO, CHAIRMAN, SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

Mr. HUTTO. Good morning. The Subcommittee on the Coast Guard and Navigation will please come to order.

First, let me say that I am very delighted to be here in Riverhead, NY, with my very good friend and colleague George Hochbrueckner. Congressman Hochbrueckner and I also serve together on the Armed Services Committee. You folks have an excellent representative in George Hochbrueckner and I look forward to a continued, long association with him in the Congress and on the Armed Services Committee and on the Coast Guard Subcommittee.

Also with us this morning is my good friend and colleague from Virginia, Mr. Owen Pickett. In addition to the Merchant Marine and Fisheries Committee, Owen also serves with us on the Armed Services Committee. I'm delighted, Owen, that you could be with us here this morning.

Today we will review issues of concern to one of the Coast Guard's most important constituents and that is recreational boaters. Earlier this year the Coast Guard and Navigation Subcommittee held a similar hearing on recreational boating in south Florida, in my home state but a long way from my actual home, about 800 miles from my home which is in the northwest part.

Boat registration in New York increased by almost one-third from 1986 to 1987. That is a dramatic increase in 1 year. New York now has almost 400,000 registered boats and an additional 200,000 boats frequent the waters off Long Island during the boating season. So I believe it is most fitting that we meet here on Long Island this morning to talk about these issues. It is easy to understand why this beautiful area is also representative of many of the

problems confronting boaters, law enforcement officials, and the Coast Guard.

The Aquatic Resources Trust Fund, known more commonly as Wallop-Breaux, is an important source of funds for state recreational boating safety programs. I have joined with other leaders on the Merchant Marine and Fisheries Committee in sponsoring legislation to reauthorize the Wallop-Breaux Trust Fund.

However, I believe that there are a number of ways in which we can improve the present law and increase support through the trust fund to both the States and the Coast Guard to provide for better boating safety programs, and I will be working toward this end within the normal legislative process.

In preparing for this reauthorization effort, it is important that we understand how federal money has been spent to improve recreational boating safety and the issues that may have an impact on boating safety in the next few years. I have scheduled another meeting in Washington tomorrow to review specific funding issues of the boating safety account.

This morning we will examine the general issues of recreational boating safety to obtain information about current Federal and State efforts in order to better assess the effectiveness of these safety programs.

In particular, we will address questions relating to boating safety education, licensing, titling, law enforcement, alcohol abuse, the hazards of fast boats and other personal water craft, and the level of cooperation between Federal and State agencies in search and rescue and other general boating issues.

I look forward to hearing from the witnesses this morning who have particular knowledge and experience in these areas.

It's a pleasure to be here in Riverhead and to be with Congressman Hochbrueckner, and at this time, George, I want to thank you sincerely for inviting us up and if you have any comments, we'd be happy to hear from you.

STATEMENT OF HON. GEORGE HOCHBRUECKNER, A U.S. REPRESENTATIVE FROM NEW YORK

Mr. HOCHBRUECKNER. Thank you, Mr. Chairman. I do have an opening statement.

I want to thank you, Chairman Hutto. Let me say good morning and welcome to our friends in the audience who've travelled here today to demonstrate their support for the U.S. Coast Guard.

I recognize that many people aren't able to leave their jobs and other responsibilities to attend a function such as this on a Monday morning. For those of you who went out of your way to appear here today, I thank you and I know that the Coast Guard thanks you as well.

I want to extend my warm Long Island welcome to my distinguished friend and colleague Earl Hutto, the Chairman of this Subcommittee. As you know the Merchant Marine Fisheries Committee is a very important committee to the people of Long Island and certainly having the chairman of the Coast Guard Subcommittee here is a great pleasure for me and I think it's very good for Long

Island because this is the man, and it's important that we have his ear and convey to him our concerns.

I'm also delighted to welcome my good friend Owen Pickett of Virginia. Like me, Owen is serving his first term as a Member of Congress and he represents the Norfolk area.

Mr. Chairman, at this time I'd like to ask unanimous consent of the Subcommittee that my constituents here today, as well as others concerned about the Coast Guard be permitted to submit written comments to the Subcommittee on the subject of voting safety.

Mr. HUTTO. Without objection, we'd be happy to have the input of any of the citizens here today.

Mr. HOCHBRUECKNER. Thank you, sir. I ask that these comments be made a part of the permanent published record of this hearing and I'm sure that those in commerce will be interested to learn of the specific views and concerns of Long Islanders regarding the effectiveness of recreational voting safety programs.

Mr. HUTTO. Without objection, they will be entered into the record.

Mr. HOCHBRUECKNER. Today I intend to question several of our witnesses on issues of particular importance to Long Island. A key concern is the recent closing of the Coast Guard station at Block Island, RI, caused by Federal budget cuts and the effect of this closing on the operations of the Montauk Coast Guard station.

I've raised this issue with the Coast Guard Commandant before the Subcommittee passed, and I'm anxious to hear the perspectives on this matter.

I'm also interested in hearing views concerning the growing number of recreational voters frequenting Long Island shores and what effect this development may be having on recreational boating safety programs. I hope to hear some constructive ideas in this area from our witnesses this morning.

Our guests here this morning should be aware that my colleagues and I have just come from Calverton Air Field from Grumman, and I apologize that we're a little bit late, but the reason we stopped there, of course besides that's where the Coast Guard plane landed that my colleagues came up from Washington on, also I felt it was important that we show them the E2C aircraft which is very important in my view in the drug interdiction program that we're presently involved with.

As many of you know, 2 years ago, under the Drug Enforcement Act, two E2C aircraft were given to the Coast Guard, two to the Custom Service for the purpose of interdicting drug flow into the Florida area.

The Coast Guard has effectively used their aircraft in terms of interdicting drug flow, they have stopped a considerable amount of drugs from coming into the Florida area, and from my perspective, that's one of the things that we need to do very effectively—is to use our high technology capability that we have here on Long Island, in great abundance and capability.

Grumman is a company as you know that has been the backbone of the industry here on Long Island for many years. In the Second World War, as many of you probably know, they build the aircraft that destroyed two thirds of the Japanese air power in the Pacific.

So they're a company with a proud name and a great tradition, and certainly I'm very pleased to have the Calverton facility in my district and very clearly with the aircraft that they build, the F14, the A6, the two aircraft I worked on personally when I was at Grumman, along with the EA6B and of course the E2C Hawkeye—very important aircraft and certainly an aircraft that has made a serious dent in the drug traffic flow into the United States on the east coast, and I think an aircraft that can do much more to help stop the flow of drugs into the United States.

That's why we stopped to have a little tour of the aircraft, to look at some of the results and look at the program because from my perspective, if we can add an additional 4 or 6 E2Cs to the Coast Guard inventory, I think we can go a long way to shutting down the drug flow into the United States.

It's an important program—it's good for the Nation and clearly it's good for Long Island in terms of jobs as well as producing a very important plane. I think we can do much more to stop the drug flow, and that's why we were a little late. I apologize for that but I'm delighted that the Chairman and my dear colleague Owen Pickett had the opportunity to see that aircraft and see the kind of capability that Grumman does bring in terms of high technology to our military today.

With that Mr. Chairman, I thank you very much and I welcome you to Riverhead.

Mr. HUTTO. Thank you very much for your welcome, and also it was good to see the E2C and the Grumman facilities and the E2C does play a vital role in our attempts to try to get the smuggling of drugs under control and to eliminate one of the more serious problems we have today, and that's the drug war.

Mr. Pickett?

STATEMENT OF HON. OWEN B. PICKETT, A U.S. REPRESENTATIVE FROM VIRGINIA

Mr. PICKETT. Mr. Chairman, I just want to say it's a pleasure to be here this morning with you and Congressman Hochbrueckner. Recreational boating is vitally important in my district which is Virginia Beach and Norfolk and I'm very anxious to hear what our people have to say this morning. Thank you.

Mr. HUTTO. Thank you very much. Our first witness this morning is the Honorable Patrick G. Halpin, Suffolk County Executive.

Mr. Halpin, if you would please come forward. It's good to have you here before us this morning and you may proceed with your testimony in any way that you see fit.

STATEMENT OF HON. PATRICK G. HALPIN, COUNTY EXECUTIVE, SUFFOLK COUNTY, NY

Mr. HALPIN. Thank you, Congressman. It's a pleasure to have you in Suffolk County. I know that you're not quite used to this kind of weather, but eventually summer will be here as well and Congressman Pickett, I want you to know that as an alumni from ODU, it's always nice to see some people from the Tidewater area. It's a nice part of our country. Congressman Hochbrueckner, thank you for giving me this opportunity to testify here today.

I want to talk to you about one of the most critical problems facing the Long Island community, and that's alcohol abuse on the water.

Just as drunken driving is an increasing problem on our roads, drunken boating is an increasing problem on our waterways.

Law enforcement is enormously complicated by multiple abutting and sometimes overlapping jurisdictions.

New York State has been a leader in attempting to address this problem. As an assemblyman, I strongly supported BWI legislation, which I believe as having an important impact but much more remains to be done.

One of the major problems is simply the sheer size of the waterways that need to be protected and patrolled.

Let me give you some perspective.

Suffolk County has over 783 miles of shore line and 425 square miles of waterways under the county police department's jurisdiction. That includes the Great South Bay, Moriches Bay, halfway across Long Island Sound and 3 miles into the Atlantic Ocean.

That does not include waterways that fall under the jurisdiction of our 10 towns and 30 villages, and to patrol all that water, Suffolk County has 45 police officers in its marine bureau. Because we have more than one shift to cover, the maximum number of police officers that we have on duty at any typical summer day is only 12 operating 6 boats.

They are confronted with 53,000 registered boats in Suffolk and several thousand more that regularly venture into our waters from Nassau County, New York City, Connecticut, and Rhode Island. You should know that Long Island has the distinction of having more boats per capita than any other region of the State.

That gives you an idea of what we are up against. Let me tell you what I believe are some of the problems we are facing:

About 50 percent of all boating accidents are alcohol-related.

Since no certification is required, inexperienced operators have free rein. It's not unusual for our police officers to stop a $100,000 speed boat, one of those cigarette boats that jet across our waters and find a teenager at the helm. Sometimes the age of the person operating that boat could be as young as 12 years old.

There's no speed limit on the Great South Bay even though each year more and more boats clog its waters during the summer months.

Nassau County and Suffolk County are excluded from the New York State Navigation law. Only town ordinances prevail and they are a patchwork quilt of legislation. What may be illegal here in Riverhead town may be perfectly legal a mile away in Southampton Town. It's only a slight exaggeration but if our police officers had to carry with them the complete books of laws and ordinances covering all of our waterways, their boats would probably sink like stones.

But quite frankly, the Federal Government hasn't been pulling its weight, either. The Coast Guard's funding has been cut drastically in recent years, manpower has dropped, and the Coast Guard is not readily available for enforcement beyond the three mile limit, where many violations occur.

I don't know if these facts scare you, but they certainly scare me.

The Federal Government would never allow those kinds of conditions to exist above us where it regulates aviation. And for good reason.

What can be done about it? Let me make a few suggestions.

There should be more Federal funding for boating safety education. Many accidents are caused by sheer ignorance. Education wouldn't prevent all accidents, but we have seen the effectiveness of driver education when it comes to the safe operation of automobiles on our roads. Doesn't it make sense to do the same thing on our waterways?

There also needs to be some sort of boating safety certificate, perhaps issued by the Federal Government, but certainly issued by our States. The State of Maryland is now pointing the way in what I think is the right direction in its boating safety certificate legislation.

That legislation mandates that anyone born after July 1, 1972 take an 8-hour course offered by the Maryland Department of Natural Resources. Working with the State's education department, the natural resources department has already implemented the course in the State's school system and has certified more than 250 volunteer instructors to offer it outside of the school systems in Maryland.

Unfortunately, the law does not apply to anyone more than 16 years old, although adults are encouraged to take the courses, but it does make an important start and sends an important signal to the boaters of tomorrow that safety is extremely important.

We also need a Federal BWI law like we have here in New York State. Not only would it eliminate the problems we have with the multiple jurisdictions, it would also allow enforcement beyond the 3-mile limit, and BWI problems don't disappear when an operator goes beyond the 3 mile limit.

At a minimum, we need increased funding for our Coast Guard to make enforcement of existing laws a reality. The Coast Guard has a long and honorable tradition, and it's members provide invaluable service to the Long Island boating committee. But Federal spending cuts have already began to have an impact and they're beginning to cripple the Coast Guard's effectiveness.

In summary, let me say that Suffolk County has had remarkable success in enforcing DWI laws on its roads. It has reduced the number of fatalities and leads the State in the number of DWI summonses issued.

We also lead the State in the number of BWI summonses issued. In fact, Suffolk County issued nearly one-third of all BWI summonses issued throughout the entire State of New York.

But it isn't good enough. We want to do more but we need your help.

We want to forge a partnership with the Federal Government to help make our waters as safe as the air above them.

That's why I'm here today—to ask you for some help so that we can help ourselves.

Mr. HUTTO. Thank you very much for your excellent testimony. I appreciate very much the comments you made and certainly we're all concerned with the Coast Guard funding and this is what we're wrestling with right now.

The problem with the Coast Guard is that it's in the Department of Transportation, which may or may not be the right place for it to be, but in that department, it has to compete with so many other things, the FAA, mass transit, Amtrak, highways and all these things.

Quite frankly, in the last few years the Coast Guard has been on the short end of funding, while we've had significant increases in our defense spending. The three of us who are on the Armed Services Committee certainly support increased defense spending. The Coast Guard has had no real growth in the last 5 years, and particularly in this fiscal year we're in, we're really suffering. As you know, as a result of the $103 million shortfall, the Commandant has had to close some facilities and cut back on patroling and these sort of things. We are trying now to rectify that by getting a $60 million reprogramming, and that's before the Appropriations Committee right now.

If we can get that reprogramming and then get the funding that was requested by the administration for fiscal 1989, we'd be able to resume the regular patroling and the operations of the Coast Guard, but we won't be able to reopen any of the facilities that were closed.

So, we do have a tremendous problem. We're working on it very hard.

I would like for you to explain your BWI law which certainly is a step in the right direction, and I'd like to know a little bit more about it.

Mr. HALPIN. Sure. I'd be happy to.

Our boating while intoxicated law really tracks our driving while intoxicated law in that anybody who is found to be operating where there's probable cause can be pulled over and required to take a breathalizer test. If the reading is more than 1.0 which is the same standard we have for DWI, they are considered intoxicated and can be fined. I'm not sure what the schedule of fines is, although the fines are pretty hefty.

One of the problems we're having is that without some type of a boating license, unless they're involved in an accident where there's compelling cause, a person where you have compelling cause, a police officer can get a court order to mandate that there either be a breathalizer test taken or a blood sample taken if there's a death involved.

There is a problem with the enforcement. If you're caught driving while intoxicated, if you're in New York State anyway, if you refuse to take the breathalizer, the privilege of being able to operate a motor vehicle is revoked immediately. Because anybody can operate a boat without any license, you don't have that same ability to enforce it.

But where there's a serious accident and there is cause beyond any reasonable doubt, the police have been very vigorous in enforcing the BWI law which only went into effect last year. We're still working with that.

I think ultimately where we're going is that there's going to have to be some form of boating safety certificate or boating safety license. I grew up on the waters here on Long Island, and when I grew up my father taught me how to sail and taught me all of the

things that I should know as a sailor. Now what happens is that because people can go out and buy a high powered boat, they're given the keys to the boat and they're on their way and people think that you can operate a boat just like you operate an automobile. Until you get out there and you get in some trouble, you realize very quickly that that isn't the case, but in the meantime, people don't understand the rules of the water, rules regarding rights of way and it's very dangerous.

Unfortunately, as I'm sure you find in your district, in Florida or down in Virginia Beach, that people think the moment they get on the boat it's time to have a party, and you combine that high speed with alcohol and you've got a lethal combination.

Mr. HUTTO. I understand what you're saying about licensing, and we will be asking some of our other witnesses to tell us about that.

Mr. Hochbrueckner.

Mr. HOCHBRUECKNER. Yes. Thank you, Mr. Chairman.

Thank you, Pat, for being here today. Mr. Halpin and I served together in the State assembly during my 10 years, and I would just like to point out as the Chairman indicated, relative to the funding, we're certainly looking at every opportunity to restore the funding, and also for your information and the information of others, as far as the drug interdiction side of it, because I think as most people know, with the Coast Guard cuts that did occur, in essence we've taken a cut of about 55 percent in terms of the drug enforcement end of the Coast Guard's activities and one of the things we are working on at this point is to in fact—at least in my case—is to shift some funding around.

As many people know, the President requested in the neighborhood of $5 billion this year for SDI, and of course a fair chunk of that money is designated for deployment, the beginning of phase one deployment of some of the elements of the Star Wars Program. Some of us feel this is inappropriate at this time, and consequently what we are attempting to do is to catch a sum of that money and to designate it for the Coast Guard, for the purpose of purchasing additional E2C aircraft in order to beef up and restore some of the drug enforcement cuts that have occurred due to this $103 million dollar reduction from the original $1.9 billion that was requested by the Coast Guard in the next fiscal year.

There's a great concern about that, and we're obviously trying to do our best to come up with the money, but I think as many people recognize this year, the $299.5 billion that will be spent in defense of our Nation this year is both a ceiling and a floor, so that when you try to come up with money for an important program such as drug interdiction in for support of the Coast Guard, you have to find the money. It can't be new money. It has to be from some other pot, and Governor Cuomo often reminded us if you want a new program, fine. Tell me where to get the money.

Well in this case, we're trying to come up with the money from that particular area in order to move it to this very important area related to the Coast Guard.

I thank you for taking time from your busy schedule to be here today and to provide us with testimony, but I have no particular questions at this time and I thank you for being here.

Mr. HALPIN. Thank you, Congressman.

Mr. HUTTO. Mr. Pickett.

Mr. PICKETT. Thank you, Mr. Chairman.

I'm just curious Mr. Halpin if there are statistics available here on the experience in Suffolk County with boating accidents and on the deaths and injuries that result from those accidents. Would that be available?

Mr. HALPIN. Congressman, we could provide that to the Committee certainly.

Mr. PICKETT. Mr. Chairman, I'd like to have that for the record.

Mr. HUTTO. Without objection, we'd be glad to have it.

Mr. HALPIN. Very good.

[The following was submitted:]

POLICE DEPARTMENT COUNTY OF SUFFOLK, NEW YORK

INTERNAL CORRESPONDENCE

TO: Arthur R. Feldman, Chief of Detectives
Command 3000

DATE: 4/15/88

FROM: Dominick Steo, Captain
Executive Officer, Command 4300

COPY TO:

SUBJECT: BOATING ACCIDENTS

The information you requested is as follows:

	86	87	88
FATAL	4	3	1
INJURIES	10	25	-
REPORTED (NO INJURIES)	13	24	-
YEARLY TOTAL	27	52	1

Sincerely,

Dominick Steo, Captain

DS/sf

PDCS-3042

Mr. HUTTO. As you know, many safety programs are funded by Wallop-Breaux which we are trying to reauthorize and we'll be working very hard to get this extended and hopefully we'll help in educating people with regard to safety.

We do thank you very much for being here. It's a pleasure to have you with us and please contact us if we can assist you in any way.

[Pause]

Is the Honorable Joseph Sawicki, Jr., State Assemblyman from New York here? I believe that Mr. Sawicki hasn't been able to make it here yet, so we'll call forward our panel, Rear Adm. Robert L. Johanson, Commander of the U.S. Coast Guard District 1, who is accompanied by Capt. Roland Breault, the Chief of Boating Safety Branch, U.S. Coast Guard, District 1; Capt. Richard Buttrick, Chief of Operations, U.S. Coast Guard, District 1; as well as Commodore Peter W. Melera, U.S. Coast Guard Auxiliary, District 1 Southern.

If you gentlemen would all come forward, we'd be happy to hear from each of you.

[Pause]

We welcome each of you here and Admiral Johanson, we'll ask you to begin and please proceed as you see fit.

STATEMENT OF ADM. ROBERT L. JOHANSON, COMMANDER, U.S. COAST GUARD, DISTRICT 1

Admiral JOHANSON. Good morning Mr. Chairman and Members of the Subcommittee on Coast Guard and Navigation. Thank you for the opportunity to testify at this field hearing on issues related to recreational boating safety.

I've submitted a statement that I would like inserted for the record. I have one minor change to offer. In that statement is language that reads, "I have negotiated written agreements with all of the states in my district," and I would like that changed to read, "Written agreements have been negotiated with all the states in my district addressing boating safety" and so forth.

Mr. HUTTO. Without objection, that will be corrected.

[The statement of Rear Adm. Robert J. Johanson can be found at end of hearing.]

Admiral JOHANSON. I will briefly describe the boating safety program in the First Coast Guard District which extends along the coast from the Canadian border to the Toms River in New Jersey and includes the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and parts of New York and New Jersey.

In that area, there are approximately 1 million registered boats. Over 5,600 active duty and reserve personnel and over 7,500 Coast Guard auxiliarists patrol the First District's approximately 108,000 square miles of open water, navigable rivers and lakes.

Last year we prosecuted 11,204 search and rescue cases, saved the lives of 610 mariners, assisted over 27,000 other persons in need, and prevented over $186 million worth of property from damage and loss.

Our current efforts in the boating safety business are augmented and supported by the States with their boating programs, by the

U.S. power squadron, and the Coast Guard Auxiliary. Our working relationship with the States in my district continue to be excellent and productive in all respects.

The Boating Safety Account of the Aquatic Resources Trust Fund has made this type of cooperation possible and has fostered an ever increasing role for the States and local agencies in the recreational boating safety program.

The Coast Guard relies on the Coast Guard Auxiliary to carry out much of its recreational boating safety program through training, public education, courtesy marine examinations, and on-the-water patrols. Members of the auxiliary are also teaching in-State boating education courses offered by Rhode Island, Massachusetts, New York and Connecticut. While the Coast Guard strongly endorses boating education, it considers the issue of mandatory education a State prerogative.

Confronted with today's dramatic increases in boating as a past time, the Coast Guard looks to the States, the power squadrons, the Auxiliary and others to try to keep pace with increased educational and safety awareness programs.

Yet current estimates are that less than 10 percent of the boating public is being reached with any kind of formalized boating education program.

A highly valuable facet of the Coast Guard Auxiliary's boating safety effort has been their on-the-water patrols. In 1987 the First District Auxiliary patrolled over 20,000 hours on the water, saved 61 lives, assisted more than 4,000 boaters and prevented damage to over $28 million worth of property. There are three Auxiliary divisions, with over 500 members in the New York First Congressional District.

In the last calendar year, they taught 36 public education courses, attended by 1,581 students, performed 2,600 courtesy marine examinations, saved 4 lives, assisted 148 boaters and prevented the loss of some 1.9 million dollars' worth of property.

I'd like to speak to the issue of alcohol abuse in the recreational boating community, which may be a contributing factor, in things that I've read, in 50 to 60 percent of reportable boating accidents.

With the publication of a final rule in the Federal Register last December, we, the Coast Guard, are now provided with standards to determine whether an individual operating a boat is intoxicated. We are given authority to assess violators with civil or criminal penalties.

Unfortunately, current Coast Guard budget limitations do not provide the funds to equip or train our people to enforce the new Federal standards.

In the interim, we will continue to apply the current enforcement methods which are available to us. Namely, we can terminate a voyage for reason of an unsafe condition, we can cite a boater for negligent operation, and we can request assistance from local or State law enforcement personnel to administer chemical testing if necessary.

Overall, as we look back on the past decade, certainly there's been a great growth in recreational boating, yet the actual rate of fatalities has declined due to initiatives of the Federal Boating

Safety Act of 1971. That effort continues today with funding from the Boat Safety Account of the Aquatic Resources Fund.

This concludes my summary, and I'll be happy to answer any questions you might have.

Mr. HUTTO. First, let's hear from other panel members that might have a statement. Do you have a statement, Commodore?

Commodore MELERA. Yes. I submitted one in writing and I'd like to abstract from that.

Mr. HUTTO. If you would, we'd be happy to hear from you.

STATEMENT OF COMMODORE PETER W. MELERA, U.S. COAST GUARD AUXILIARY, DISTRICT 1 SOUTHERN

Commodore MELERA. Thank you, Congressman Hutto, and Members of the Subcommittee on Coast Guard and Navigation. I thank you also for this opportunity to address the boating safety issues of concern here today.

The Coast Guard Auxiliary, a civilian volunteer organization, was chartered by Congress in 1939. Its purposes include promoting safety and effecting rescues on and over the high seas and U.S. navigable waters.

To effect its mission, the Auxiliary has evolved a three part program that includes public education, vessel examination and operational activities. Each of these programs is offered to the boating public, free of charge, although it should be noted that modest funding for operations and training costs are provided by the Coast Guard through tax revenue, some of which is derived from the Boat Safety Account of the Aquatic Resources Trust Fund.

Hence, the auxiliarist donates his time, and equipment, vessels, aircraft, land and mobile radio stations, and so forth, to serve the boating public.

In this day of privatization, the Coast Guard Auxiliary represents what maybe the epitome of that philosophy, that is, the use of highly trained non-paid members of the private sector—volunteers—to provide safe boating support to the public.

To address one of the main topics of concern to this Subcommittee, namely the effectiveness of recreational boating safety programs that are partially funded through the Boat Safety Account of the Aquatic Resources Trust Fund, let us use 1987 as an example.

You've already heard some of these numbers from the Admiral, but I'd like to repeat them.

The three divisions in the First Congressional District were allocated a total of $13,500 for their operations in 1987.

With that level of funding these three divisions saved four lives, and assisted 148 other persons, representing some $1,900,000 worth of property. They educated 1,581 students, examined 2,617 vessels and provided 105 operational facilities for Coast Guard use.

Overall, they accomplished 1,773 hours of operational support to the Coast Guard and to the boating public. That reduces to a cost of $7.61 per hour of operational support. There simply is no question that the Coast Guard Auxiliary represents one of the most, if not the most, cost effective governmental-private sector cooperative programs in existence.

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While I cannot address the issue of congestion in harbors or offer solutions to that problem, I can suggest that to educate the boating public, inspect their vessels to assure their compliance with State and Federal regulations, and to provide operational support directly impacts on the other issues of concern to this Subcommittee.

The Auxiliary embraces the idea that an educated boater is a better boater, who will recognize the need for appropriate speeds and understand that the consumption of alcohol while underway puts him and his fellow boaters at risk. He will also be aware of the rules of the road and basic seamanship which should allow him to cope with the increasingly congested waterways.

The Auxiliary vessel examination program provides the boater with the information necessary for him to properly equip his vessel for safety.

Finally, the Auxiliary has the capacity to provide a rapid, highly trained and professional response to both emergency and non-emergency search and rescue situations. It is the nature of the marine environment, and in the nature of the human being as well, that problems will occur underway. It is then in the best interests of the boating public that the rapid response ability of the auxiliarists on patrol be utilized to the fullest extent possible.

Hence, it appears that many of the problems identified by the Subcommittee can be alleviated to some extent, and possibly to a great extent, by optimal utilization of the Coast Guard Auxiliary.

However, in 1987, the Auxiliary barely taught enough public education classes and inspected enough vessels to keep pace with the percentage increase in the number of registered boats in the southern region of the First Coast Guard District. Given that a pool of over 300,000 vessels and operators exist in this region, and that the number grows by approximately 4 percent each year, the Auxiliary effort must expand considerably if we are to continue to be an effective force for boating safety.

Growth of the Auxiliary must be a prime concern for all those interested in, or responsible for, the promotion of boating safety. This concern may also extend to state governments.

Here in New York for example, the Coast Guard Auxiliary is being utilized to train officers of the Department of Environmental Conservation, and 60 percent of the young people 16 years of age and under who received boating licenses in 1987 obtained their mandatory classroom training from auxiliarists teaching the New York State Boating Course. Clearly then, it is in the best interest of federal and state governments alike to promote the unimpeded growth of the Auxiliary.

How can this be accomplished?

To address this issue, two points must be made clear. First, as in the case of most voluntary organizations, 20 percent of the membership does 80 percent of the work. Also important here is the concept of the triad, the three programs I spoke of earlier.

The three programs are interrelated, and member interest generally overlaps them. To weaken one or remove one comprises the others, resulting in an overall loss of effectiveness.

Secondly, it must be remembered that the Auxiliary is not a fraternal organization. Rather, it is a voluntary public service. Operations is the stuff of the Auxiliary, and it was recognized several

years ago that the entire Coast Guard family ought to be upgraded in its operational expertise.

Effective on January 1, 1987, this boat crew qualification program now insures that auxiliarists underway are among the most highly trained small boat crew persons and operators available. Yet these personnel are not being optimally utilized. The establishment in 1983 of the non-emergency assistance policy, has seriously impacted upon the Auxiliary's operations cornerstone. New and old members alike are demoralized and confused. Here we are fielding the best and most competent boat crews in our history, and we are told that we cannot fulfill our mission.

Think of the triad, and the interactive nature of the Auxiliary. Think of that member and the negative impact that being extensively trained and not utilized will have upon him. Think then about the loss in motivation that has occurred and will continue to escalate as more auxiliarists realize that they cannot fulfill their congressional mandate, let alone their own desire to help their fellow boaters who are in need.

Clearly, the scenario is not one that will promote the needed growth of the Auxiliary. In this district Commodore's view, the single most effective step this Subcommittee can take to address the questions it initially raised is to work for the removal of the operational restrictions now placed upon the Auxiliary by the Coast Guard's non-emergency assistance policy.

Thank you for your attention and concern, and I will be glad to answer any questions you may have.

[The statement of Commodore Peter W. Melera can be found at end of hearing.]

Mr. HUTTO. Thank you, Admiral Johanson and also Commodore Melera for your excellent statements.

Admiral Johanson, could you tell us about law enforcement in this area as it relates to the city or state and the degree of cooperation and so on as far as enforcing the laws and boating safety?

Admiral JOHANSON. Sir, our stations here that work in Group Moriches and also in the Group Long Island Sound work very closely with the local agencies. That's something that's absolutely essential in order for us to get the job done, and we meet with them periodically. We have a Group Commander here with us today in the audience, Comdr. Gary Krizanovic, and to my knowledge we have a very good working relationship.

Mr. HUTTO. Can you also speak to the problem that we're having with the cutbacks in Coast Guard funding? Tell me how it's affected your District.

Admiral JOHANSON. In the District, Mr. Chairman, we have currently closed 8 Coast Guard units, and we will be closing the Vessel Traffic Service in New York. That will be a loss overall of about 73 billets and nearly 1 million dollars of operating funds to be eventually saved.

In addition, in order to accommodate the $103 million shortfall, it was not enough just to initiate closure. We also had to slow down and squeeze down our operations. So while we have now, for example in this area, the First Congressional District here in New York, what I consider to be adequate number of resources to cover our area, we are constrained from fully employing those resources be-

cause of the current budget situation. We have stopped making routine search and rescue patrols. As was mentioned earlier, I believe by Congressman Pickett, we have reduced our operational law enforcement patrols by some 55 percent.

I should add, that we will still—we do still—respond to cases where there is intelligence and go out and perform law enforcement missions, and naturally whenever there's a search and rescue case, we will respond without hesitation to that as well.

Mr. HUTTO. We hope to rectify that so as to allow you to continue your normal patrolling. What is the degree of activity as far as drug interdiction in this area is concerned?

Admiral JOHANSON. In terms of actual interdiction, looking at pounds or tons of illegal drugs, it's very low. We had within the past month, I believe, in New York at dockside a seizure involving 12 pounds of heroin aboard a freighter that came in, and that was a joint effort with the U.S. Customs Service.

Actually, interdiction per se in New England has been relatively low. We feel, I feel, certainly that there's a great benefit in the deterrent sense from having patrols out there. We can't measure deterrents, but just as when you see a police cruiser on the highway, that affords a certain element of deterrence for those that might choose to violate speed limits.

When you see the Coast Guard out on the water patroling, in some cases with respect to an individual that might be making a decision whether or not to smuggle.

Drug interdiction, in my view, must always include the collection of intelligence. That is the key to the whole issue. We need resources—we mentioned the E2C, an outstanding resource—but we also need intelligence, and we need to gather that intelligence through cooperation with Federal and State local agencies. I think that cooperation is very good today and it can still improve.

Mr. HUTTO. Commodore Melera, what do you think of the suggestion that the regulations be changed with regard to the Auxiliary on towing. Do you think the compromise that has been mentioned is something that is workable? It's something that the Subcommittee talked about in its hearing last week and we heard comments from several other witnesses at that time. Would that be something that your organization here would welcome?

Commodore MELERA. Congressman, I'm embarrassed to say I'm not aware of the details of a compromise. I do know that the nonemergency assistance policy has seriously impacted on the Auxiliary's operations cornerstone.

As I tried to make clear in my statement, the Auxiliary is a three programmed organization. Member interest in the three areas overlaps considerably—the 80/20 rule as I mentioned.

It is clear that over the past 3 years, the Auxiliary situation in terms of morale and accomplishment has been decreased, and it is because of this unfortunate position of the imposition of a highly sophisticated, if you will, training program, in conjunction with the non emergency assistance policy that has led to problems.

I'm not going to sit here and tell you that's the only problem of the Auxiliary. We have others as well. We need to put ourselves on a more solid footing in terms of our goals and accomplishments and direction.

But there are those of us who felt that the boat crew qualification program was to be the cornerstone of that effort because it allows us to feel like professionals—highly trained, competent folks who can go out and do the job. It requires hundreds of hours of training to accomplish these things, to get these qualifications.

To be told after all that time and effort that now you cannot fulfill your obligation is totally detrimental, and if it continues, it will affect the growth of the Auxiliary, I feel, seriously.

In the final analysis here, what we're trying to do is promote an organization whose key efforts to promote safety must be through education and vessel examination. Clearly the most effective way to prevent a lot of the problems concerning boat safety is to educate the public. That's what the auxiliary does well, that's what the power squadron does well, but we can't do that as I mentioned. We're barely keeping up with the percent increase in the numbers now. We have to grow as an organization. We cannot grow if we are hamstrung by this operations policy.

Mr. HUTTO. I think there's general agreement that the Coast Guard Auxiliary is very important and has been through the years. Our Subcommittee took the position on the towing issue that there's plenty of business out there for everyone. We believe that the compromise would not adversely affect the commercial towers.

Essentially, what the suggestion is and I understand this is being considered, would be to allow the first on the scene to tow the vessel to a safe haven and then the commercial towers, if necessary, could tow it on to where it should be towed and hopefully this would be something that could work for everyone concerned, would give the Auxiliary the opportunity to do its thing that it's done so well for a long time.

It's my understanding that the commercial towers are active later in the day when most of the auxiliarists are inactive.

Commodore MELERA. First let me answer by saying that I was not aware that that was the gist of the compromise. I knew that was the Auxiliary position, and if that is the compromise that's been struck, then I certainly would favor that policy.

I would also like to say that while perhaps in general, commercial interests are available on a round the clock basis throughout the year, I would also like to say and—for the record—make it clear, that auxiliary operation facilities are also available, during peak hours, during peak times, during summer months, on a 24 hours basis. We have routine callouts at all hours of the day and night on Long Island Sound. Have for years.

Mr. HUTTO. It also appears to us that there are a number of firms that are writing insurance to speak to these issues and people are advertising their businesses and there's a relationship between boaters and some of the commercial towers, and so on.

I think we're headed in the right direction to make sure that we can have an effective rescue situation, not just in emergencies, but non-emergencies as well.

Mr. Hochbrueckner, do you have any questions?

Mr. HOCHBRUECKNER. Yes, thank you.

When Admiral Yost testified before the Subcommittee on February 18, one of the major questions that I raised with him was our concern over the Block Island shutdown of the Coast Guard Sta-

tion, and at that point, the Admiral indicated that he felt that the effort provided by Block Island could be provided through the Point Judith Rhode Island Station, as well as Montauk, as well as through aid from the Cape Cod Station via the air.

Could you describe to us exactly what you have put in place to in essence assure that the Admiral's assurances would be met? That the need could be met without the Block Island operation?

Admiral JOHANSON. We've taken what was the station Block Island's area of responsibility and divided that up, so to speak, for the adjoining stations—Point Judith being one, Menemsha on Martha'a Vineyard being another, the SAR Station on Fishers Island and also a station on Montauk.

What we find with respect to surface response is typically 15 to 30 minutes increase in response time. There is one section of the former Block Island responsibility where the increase will go from 60 minutes—which is what it took Block Island to reach that particular part—to about 90 minutes for a surface vessel. That's still within the national response guidelines of 2 hours from notification and certainly well within the time limit when we consider the air station response.

We have had since closing Block Island, I think it's a total of four cases: two medical evacuations, a grounding and then a capsizing. In the case of the capsizing, a fishing vessel nearby ended up picking up the three people.

We had a boat from Point Judith underway and in all probability that boat, since it was underway for training, would have reached the scene of that particular capsizing before a Block Island boat would have, had it left from its mooring.

Mr. HOCHBRUECKNER. Could you describe for the benefit of the people in attendance what facilities were available at Block Island and where they went?

Admiral JOHANSON. We had a utility boat and a 44 foot motor lifeboat which is a fairly standard list of vessels that we have at our stations. The station was manned by 9 permanently assigned Coast Guardsmen and augmented in season by 12 reserves.

At one time I think it had been manned with a permanent complement in the neighborhood of 18 to 20, but because of the year round caseload that we had, we found it was suitable to go ahead and make it what we call a reserve-augmented station.

The caseload there in this last calendar year numbered 158 cases. The majority of them, namely 145, were between May and September. Four of those were considered in the urgent category.

I have a chart that depicts the area responsibility for Block Island Station. One thing that is unique to Block Island is that a good percentage of the cases occurred in the Great Salt Pond, right there on Block Island. I think it was in the neighborhood of 25 percent of the cases were handled right there.

Mr. HOCHBRUECKNER. What kind of delay time can the people who had those problems at Block Island expect relative to a response?

Admiral JOHANSON. Again I would say that on average, it's in the neighborhood of right around a half hour. In some cases it could be more.

But the cases in Great Salt Pond, almost without exception, would not be considered as an urgent type case. We're talking about a boat that slips its mooring or has some sort of a disabling casualty, but it's still a fairly protected body of water. We don't consider it to be in the urgent category.

Mr. HOCHBRUECKNER. Where would the two boats move to from Block Island?

Admiral JOHANSON. Both the 41-footer and the 44-footer went to Station Woods Hole.

Mr. HOCHBRUECKNER. So we have a situation where even though Montauk, Point Judith, and Cape Cod were to take up the slack, the assets that were at Block Island did not go to those stations in order to provide that help.

Admiral JOHANSON. No, it was felt that we could go ahead and pick up that additional load without increasing the assets of the stations.

Mr. HOCHBRUECKNER. Next question—on the New London Inspection Station, you had a person whose role was to inspect the ferry boats connecting New London and Long Island, and I think as you know the Orient Point line and the ferry to Fishers Island collectively carry over 700,000 passengers and 250,000 vehicles annually.

The concern we had there was that that was shut down—I assume that has happened at this point? Can you explain how it was felt that money could be saved? Obviously the inspections still have to take place, so you have a case where you took a person out of New London and they are now travelling back and forth from New York City or wherever they're based—I'm at a loss to understand how anything was saved by doing that.

Admiral JOHANSON. We know that that's going to cause delays in doing the inspections, and to the best of my knowledge, that person is still in that area, even though he is not assigned as a member of the Marine Inspection Detachment.

A similar thing was done at Cape Cod. We closed the Port Safety Detachment at Hyannis. We closed the office, but we elected to leave a person who was residing in that area out there. That person worked for our Marine Safety Office in Providence, but was able to operate out of his residence on the Cape, so to provide a little more timely inspection capability for the vessels.

Mr. HOCHBRUECKNER. So in essence, the saving then is the fact that you're not in a particular office where you were paying the overhead and all that. Instead, the person is still operating locally in a more informal way, but is still physically there and not eating up in travel pay what might have been saved.

Admiral JOHANSON. Right.

Mr. HOCHBRUECKNER. As you know, there has been and there is now a vessel operator strike relative to the New York region. I have seen a rather substantial list of various craft which would normally be handled by these operators. since they're on strike, they've been replaced by people from other areas who are not familiar with the Northeast.

So a major concern that we have is that in light of all the tremendous amount of traffic that does exist with the movement of barges containing oil, gasoline and other environmentally related concerns that are very important to us here at Long Island, I'm

just concerned about what is the Coast Guard doing to insure that these vessel operators from other areas who don't have the familiarity with this area, what actions are you taking to insure that we don't have a major problem in terms of a barge that goes aground and spills perhaps hundreds of thousands of gallons of oil or gasoline onto a very sensitive shores.

Admiral JOHANSON. We've been monitoring that with our captain of the port people. I've just spent several days in New York, where as you know the bulk of the activities have been occurring, and we've seen since the strike originated, I think it was on the 15th of February, still about 95 percent of the normal traffic being accomplished despite the fact that we had the union on strike.

There certainly have been incidents—the overall level of the incidents in the eyes of the captain of port is not significantly different than the normal amount of incidents that you would have over the same period of time.

True, some of the incidents related to people who were at least at the outset unfamiliar with the area. That has improved as we've seen it here recently to the point where that's just a process. Now that they've operated more in the area, they are more familiar and not encountering the same problems.

Whenever we have any kind of a casualty or anything like that, it's inspected. For a while, we were doing random boardings to check on people, but we throughout the strike have monitored it with our captain of port people.

Vessel Traffic Service in New York certainly played a very important role, particularly in the early days of the strike, and that is now being phased down to the point where we anticipate it will close on June 30.

Mr. HOCHBRUECKNER. I've seen a substantial list of accidents, groundings and other problems that have occurred in recent months, and I'd like to submit that list to you. If you would check it out—it seems to me that this is the time when there ought to be a much greater emphasis on checking the credentials of these pilots from other areas who are in fact playing a very important role in potentially hurting us in the harbor area and certainly here on Long Island, and as you know, we have this tremendous sensitivity about the environment out here. There's a tremendous amount of concern just from 800,000 gallons of gasoline that were lost on land in the Setaucket area in my district.

Obviously, if there were to be a barge that went aground with a large loss of gasoline or oil, there could be a tremendous problem here on Long Island. So there's a great concern.

I would hope that the Coast Guard would do a better job of viewing the credentials of these operators to make sure that everyone who in fact moves a vessel around the New York area is well qualified to do that.

Not that we're asking the Coast Guard to take any action in this strike situation, but certainly to make certain that the people of New York receive the kind of protection that they normally had from having people who are much more experienced on the scene. The fact that we have inexperienced people is a major concern to us, with the potential that that brings in terms of having a major spill.

If we could sensitize you to that—I would like to submit this list to you and perhaps if you could tell me which of the accidents have had reports and what the results were, I would greatly appreciate it.

Could you describe to us with this issue of private towers versus the Coast Guard Auxiliary—could you describe exactly the procedures that exist right now in this district in terms of what can a boater expect? I have a 16 foot runabout—let's assume I'm out in Long Island Sound and I have a problem. What are the existing rules that are in place that I could expect to happen—if a Coast Guard Auxiliary person comes by, can they throw me a line? Do I have to wait for a private tower?

What is the present policy you're imposing at this time notwithstanding what might be coming in in a compromise from a higher level? What are you doing now?

Admiral JOHANSON. Our basic premise is in those cases where we determine that the assistance required is of a non-emergency nature, that we will not interfere with private enterprise.

Our people at our stations have a checkoff list that they use in order to make a determination of whether or not the case is in fact emergency or non-emergency. If it's a non-emergency case, then it is typically referred to a qualified tower.

There are provisions whereby if we have an auxiliarist within sight that is not on a higher priority mission and please correct me if I misstate this—that we can go ahead, that the auxiliary can take that particular case.

Basically, it's to refer the non-emergency cases to qualified private towers, so we're in the referral business, and that's something frankly as an operational commander, I'd like to get out of.

You mentioned about the compromise and the idea of a first on scene taking a vessel in tow, and if the first on scene happens to be a Coast Guard Auxiliary resource, taking it to the nearest safe haven, that makes sense to me. Then there will be other times when a private tower will be on the scene first.

It is a difficult policy frankly to enforce for our people at the stations, and I will not certainly speak for the towers, but I think it's fair to say that there is a certain amount of concern regarding the consistency of application policy. We're sensitive to that, so I would like to see it changed.

Mr. HUTTO. Anything you'd like to add?

Commodore MELERA. No. I'm in complete agreement.

Admiral JOHANSON. If I may, I would also say, and Commodore Melera spoke to this very well, but I have this group of volunteers, these Coast Guard Auxiliarists in the district, who are highly trained and ready to work and they are constrained, I think much more than they need to be now, in providing that service to the public.

At the same time, I think there certainly is—no question about it—there's a role for the private tower since there has been over the years.

Mr. HOCHBRUECKNER. For the benefit of the audience, could you describe the territory which district one encompasses?

Admiral JOHANSON. It stems from the Maine/Canada border, along the coast, down to the Toms River; 200 miles of sea road.

Mr. HOCHBRUECKNER. Mr. Chairman, if I may, one further point?

Mr. HUTTO. Sure.

Mr. HOCHBRUECKNER. I think as many people recognize, I come from an engineering background, and I deal in high technology and low technology and there was one point that I had made to Admiral Yost when he was at our Subcommittee meeting and I thought it would be useful to convey to you directly.

Since there is a great concern about the financing of the Coast Guard and what we can do to save money, I know from Admiral Yost's presentation that of the $1.8 billion budget that you folks have for the Coast Guard this year, $350 million of it is spent relative to utilities, and so I would just like to sensitize you to the fact, especially since the highest utility rates in the Nation tend to be in the Con Ed region, and certainly Lilco who services us, the fifth highest in the Nation with Con Ed being the highest. I just wanted to sensitize you to a little low technology that I've come across, and that low technology is the fact that—for example these florescent lights above us, there are five companies in the United States right now that do provide in essence florescent light tuners which will allow the same amount of light output with 20 percent less electricity.

I know you folks have a lot of florescent lights in your facilities and I might suggest that it would be worth your while to do a little homework on these because as it turns out, both Con Edison and Long Island Lighting Co. would service New York City and Long Island do in fact provide a rebate program.

For a $25 fee to convert two of these lights, there's less than 1 year payback and even Lilco and Con Ed will provide a $5 rebate for every two bulbs set.

You might want to make note of that and notify your facilities people, because you can save a considerable amount of electricity and therefore dollars relative to implementing this low technology point of view.

We'll also be letting Riverhead Town Hall know about this, too.

Mr. Chairman, I thank you very much.

Mr. HUTTO. Thank you.

Mr. Pickett.

Mr. PICKETT. Thank you, Mr. Chairman.

Admiral, putting aside your budget constraints for a moment, I know it's not easy to do that—what services would you say that the Coast Guard could provide to the recreational boating community that are not now being provided to enhance safety?

Admiral JOHANSON. I believe that certainly education is right at the top of the list as far as what's important to enhance boating safety. We are doing that through the Coast Guard Auxiliary, through the States, through the power squadrons.

As far as additional services, I think enhancing cooperation, that we feel already is quite high with the other agencies, but to go ahead and try to improve on that would help.

Mr. PICKETT. Commodore Melera, I'll ask you the other side of that—being the auxiliary, what would you like to see in the way of services that you're not now getting, if anything?

Commodore MELERA. I really do think the issue does reduce itself to education. I think that it is the most effective way to deal with this sort of problem.

The Auxiliary as an organization embraces the concept that the educated boater will be a better boater. I think that's fairly obvious.

There also becomes the issue of licensing, and I think that in some cases that's a touchy subject but the idea of having a license that can be revoked certainly does suggest and give initiative to the idea that education and licensing would be a serious situation for a boater. He would have to become educated; he would have to be licensed.

The other side of that coin is enforcement. A licensing program without adequate enforcement of the rules and regulations is probably not worth the paper it's going to be written on. I would say if anyone is thinking about licensing as a way out of this, and I think that probably is a reasonable suggestion, one cannot do that without considering how it would be enforced.

Mr. PICKETT. Each year we get a bill introduced in Congress that would impose license tax or fee on recreational boats to support a more extensive Coast Guard program. Do you have any general feeling about how that idea is received here?

Commodore MELERA. I don't think I can speak for my organization—quite frankly, I don't know how to answer that question. I think if funds would have to be generated to do this sort of thing, then perhaps it would be inescapable.

On the other hand, let me tell you that there is an organization in place, the Auxiliary, that can do a bang up job with education and not cost anybody a heck of a lot of money at all, if we are given the opportunity to do so.

I think that given the appropriate scenario in the next ensuing decade, and I don't say that lightly because that's what it's going to take, that we may in fact get to the point where we can be a very effective agency along with our sister organization like the power squadron in educating these increasing number of voters.

Mr. PICKETT. Thank you very much.

Mr. HUTTO. Thank you, Mr. Pickett.

Before we get to our next panel, I'd like to get back to this alcohol situation. The new regulations that went into effect, I believe in February, you alluded to. Could you tell us a little more about that, what is required of you, and are your Coast Guardsmen—do they have the necessary information, are they trained to enforce the new regulations?

Admiral JOHANSON. The new regulations provide two independent standards of intoxication, blood alcohol concentration levels and observed behavior.

Mr. HUTTO. Is that blood alcohol the same as mentioned earlier by Mr. Halpin? Is it 0.10?

Admiral JOHANSON. The Federal standard is 0.10 but we will adopt the State standard according to the final rule.

Mr. HUTTO. What are your options if a boater refuses to take an alcohol test?

Admiral JOHANSON. May I back up and mention that even with those standards and with the fact that we're authorized to assess

penalties if one is found to have operated while intoxicated, our people are not equipped with the BAC equipment and they're not trained so that they may enforce this new standard. That's as a result of our budget deficit.

Until we get that equipment and training, we're going to have to continue to handle the situations involving intoxicated boat operators just as we have in the past. Namely, we're going to exercise our authority to terminate a voyage if the vessel is being operated in an unsafe manner by an individual who appears to be under the influence of alcohol and in the case of repeat offenders or serious threats to safety or accidents resulting in severe injury or death, the boarding officer is going to be authorized to detain the suspected violator and can request assistance from the State or local law enforcement personnel to exercise their enforcement authority.

Similarly, if there's doubt that exists concerning whether or not the operator is intoxicated, we can request assistance from the State or local enforcement agencies to administer appropriate tests.

With respect to options, if they refuse to take the test, once we're in a position to enforce the new law, then a boater who refuses to submit to testing will be presumed to be intoxicated and will be subject to both State and Federal penalty.

Mr. HUTTO. But at this time because of the shortage of funds and the lack of training, you can't actually determine whether or not a person is operating a boat while under the influence of alcohol.

Admiral JOHANSON. That's correct. We can observe unsafe operation and to the untrained eye if the individual appears intoxicated, then we can go ahead and bring them in and ask for assistance from the State.

Mr. HUTTO. We want to thank you very much for being with us. We appreciate very much Admiral Johanson and Commodore Melera for your testimony and thank Captain Breault and Captain Buttrick also for being here and backing you up on this.

Thanks very much.

Now, we'll call our final panel forward. Mr. Nelson Potter, Director Bureau of Marine and Recreational Vessels, New York State Office of Parks, Recreation, and Historic Preservation and Mr. Raymond Crawford, Deputy Chief of Patrol Division, Nassau County Police Department.

If you gentlemen will come and be seated.

[Pause]

Mr. Potter, I guess you're first. You may proceed as you see fit.

STATEMENT OF NELSON POTTER, DIRECTOR, BUREAU OF MARINE AND RECREATIONAL VESSELS, NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Mr. POTTER. Thank you very much Congressman Hutto, Congressman Pickett, Congressman Hochbrueckner. It's a pleasure to be here.

I can probably give you more of a state wide perspective of boating safety in New York. However, I am familiar with this area—probably the most important thing that I see it—if we do want to advance the cause of boating safety and keep approving the situa-

tion particularly in this State, we do depend on Wallop-Breaux. It is necessary to continue it.

The Coast Guard is a vital part of the total program. The Coast Guard Auxiliary also. New York, or I believe probably any other state cannot do the whole program themselves.

We have very professional local government organizations. We have some other statewide organizations that are picking up some of the needs that the Coast Guard has had to let go over the years, particularly in some of the interstate waters, Hudson River, canal system, some areas of Champlain, Ontario, Erie.

Down here, if we can't depend on the Coast Guard particularly for the longer range programs, if we can't depend on the Coast Guard Auxiliary for education, inspection of private boats, for some other emergency work, New York and its subdivisions cannot do the program by itself.

In addition, we can't be fighting with the Coast Guard for funds. In the last 2 years, we've been in a position—this is all the States—of really competing with the Coast Guard for some of the Wallop-Breaux moneys. We don't know from one year to the next what kind of programs we'll be able to put forward.

I believe everyone wants well thought out programs that balance between needs to enforce, needs to do other things and the need of the private citizen to enjoy boating. We are opposed to quick fix programs. We see it as a long haul type situation and we really need to depend on funding from Wallop-Breaux over the years to allow us to fund new programs and to continue the ones that have been successful.

One of the things you'll notice in my prepared statement—in spite of some of the scariness of higher powered boats, drinking on the water, fatalities have been going down in New York, and I think the credit is to a large extent when Congress passed Wallop-Breaux, provided maybe not consistent funding year to year, but funding year to year.

New York and the subdivisions have been able to depend upon a certain amount of Federal assistance and we have been able to see an impact, even in this area. Shelter Island has a new patrol. Nassau and Suffolk counties have new patrols because of this money. We have a new navigation aids program in the state boat channel.

Mr. HUTTO. We thank you for you testimony. We do have your statement and it will be entered into the record. And thank you very much for your testimony.

[The statement of Nelson K. Potter can be found at the end of hearing.]

Mr. HUTTO. Mr. Crawford, we'd be happy to hear from you now.

STATEMENT OF RAYMOND CRAWFORD, DEPUTY CHIEF OF PATROL DIVISION, NASSAU COUNTY POLICE DEPARTMENT, NEW YORK

Mr. CRAWFORD. Thank you, Mr. Chairman. On behalf of the members of the Nassau County Police Department, I thank you for the opportunity to provide our concerns and comments regarding this important boating safety issue.

I believe I had presented a printed statement to the Committee, and I ask that that be made part of the record.

Mr. HUTTO. It will, without objection, be made part of the record. Your entire statement will be entered into the record.

[The statement of Raymond L. Crawford can be found at the end of hearing.]

Mr. CRAWFORD. That being accomplished, I'd like to hit on some highlights of that statement in the interest of time.

First, Nassau County much like Suffolk County, is faced with a maze of problems regarding the waterways. We have 114 miles of shoreline with over 400 square miles of waters to patrol and to do that we use 85 police officers in 11 vessels. We have a population of approximately 1.3 million and an estimated recreational boating population of over 200,000 vessels.

This is obviously a difficult 24 hour a day, year round problem and we do that primarily with the members of the Marine Bureau who are supported and complemented by our air bureau which does operate jet helicopters which have the capability of rescue and search operations over the waters.

We see the issue of boating safety and recreational boating safety in particular as a particular problem in the New York metropolitan area. Obviously, we have the Atlantic Ocean on the south and the Long Island Sound to the north, and the great population of New York City and Suffolk County to the west and east.

The boating problems that we see as most severe are related basically to some causal factors which include the number of boaters in the area and the number of boats that they operate, widespread ignorance of or disregard of safe boating standards and practices.

As an example of that, the citations that members of our department have issued to people operating boats have increased 70 percent over the last 3 years. I may add that that is in large part supported by the funding which has been received by the department to increase its enforcement efforts, and we urge continuation of that type funding.

We also look to the lack of State and Federal regulations of recreational boat operators. Currently there is no licensing or certification program, no mandated training and no limitations on the quality with which boaters operate their crafts, other than enforcement provided by our patrols and the Coast Guard.

Lastly, and I think as important is the actual or perceived decrease in the presence on the waterways of regulatory and enforcement agents as a result of cutbacks which I believe have been commented upon this morning.

Also, we also find that public awareness concern regarding boating safety has increased over the last few years. From 1985 to 1987 we have noticed a 130 percent increase in the number of complaints that we have received from members of the public regarding the unsafe operation of boats.

This is obviously with the service orientation that we police the philosophy that we use. This is of great concern to us, and we try to meet these complaints with an active and sincere response but obviously without continued funding that is difficult.

In light of these factors, we recommend three basic approaches, each of which has been mentioned by prior witnesses. First, it

would be a mandated education of boaters; second some certification process by which boaters would have to demonstrate their skills and abilities in operating boats, and lastly continued and increased enforcement regarding boating safety.

With that, I would be happy to answer any questions and also state that the Nassau County Police Department and the County of Nassau certainly stands ready to cooperate and to continue the protection of the public on the waterways as well as within the county itself and I would be happy to answer any questions you may have.

Mr. HUTTO. Thank you. Did I understand you to say that the amount of boating has increased 70 percent, or just the number of cases that you've had in the last 3 years?

Mr. CRAWFORD. The actual citations that we have—tickets and enforcement actions that we have taken from 1984 which was when the first large scale Federal funding was received by the department, and we increased some enforcement patrols and some equipment that we purchased with that money—our enforcement activity increased 70 percent; 70 percent more people were given tickets or arrested for violations of boating safety.

Mr. HUTTO. Apparently the new Federal program with regard to safety has been effective, then?

Mr. CRAWFORD. Absolutely. We find a great statistical increase in our enforcement effort.

Mr. HUTTO. Is one of the big problems congestion? Are you getting more and more boats that can make it difficult to enforce the laws?

Mr. CRAWFORD. Yes. Not only congestion. I think members of our marine unit have described some of our local canals and waterways as congested as expressways and freeways—especially on the weekend. But also the speed of vessels. Many vessels now are advertised, and a high point in the ads is the speed of the vessel, the potential for speed and it's a problem that's similar to the power and speed of vehicles on the roadways. Combined with the unlicensed operator, the speed and power of the vessel is of great concern.

Mr. HUTTO. A pilot program establishing speed limits has been established on some of the waters in Florida in an attempt to control these type of problems. Has New York or Nassau County done similar things? What do you think of this idea?

Mr. CRAWFORD. In our harbors and channels, we have a 5 mile per hour local speed limit. In the State channel on the south shore of Long Island, we've got a 4 mile per hour speed limit in some areas and a 12 mile per hour speed limit in other areas. We have found this to be a benefit regarding the safety and as well as a tool for enforcement as well.

Mr. HUTTO. As you know, mandatory education and licensing are very controversial topics in boating safety discussions today. Can you go into some detail and describe the New York educational program and what are your ideas of licensing of recreational boaters.

Mr. POTTER. There really are two separate things—unless licensing guarantees some kind of educational program, then I think the main concern is education in the State. New York has had a mandatory education for youngsters—if they are 15 and under, they

must take a certified course and we've had that since 1960. It was instrumental in bringing down what was going to be a really serious problem around the State.

That's one of the situations we have with State law that does apply down here. The youngsters do have to take the course in Nassau and Suffolk counties. Very few provisions of the rest of the State law do apply.

Mandatory education for adults—very controversial. The bills that we've had in the legislature so far have—there have been some serious problems with them. I've pointed those out to the legislature and if we could work up a program where we could get some funding for some kind of program, then we will do it.

Right now, the legislature has not responded to how it applies to out of staters—things of that nature. In addition, we've calculated the necessary funding and it would take virtually our entire Federal grant which means that we would have to stop putting additional units on the water and undertake mandatory education. It's not a situation where we can do both.

Mr. HUTTO. With the problem of alcohol use and the problem that it's presenting to boating safety, what is the state's situation? Is there a State law?

Mr. POTTER. Yes, there is. That's the other section that does apply down here. Basically, we mirror the Federal standards; however, in New York as of right now, you have to have an accident with either a death or serious injury before you can require a test.

There are bills in the legislature to increase that, but this is where the balancing act comes about. Where do you draw the line as far as permitting some recreational activity, the needs to test someone who may cause a problem or already has caused a minor problem and we feel there is a need to have enforcement, get more involved in preventative measure.

Where that will come about, I don't know. We've been talking to the committees in the legislature almost on a weekly basis and we feel something of an improvement will come out.

Mr. HUTTO. Mr. Hochbrueckner.

Mr. HOCHBRUECKNER. Thank you. Mr. Potter, on your chart which shows the moneys that have been expended at the State level, you list the Coast Guard grant and the State expenditures. I assume that they're not intertwined in the sense that the State expenditure is a dollar amount of the State legislation which was spent in addition to the Coast Guard grant?

Mr. POTTER. That's correct.

Mr. HOCHBRUECKNER. On 1982, you have a State expenditure of $7 million and if you look at the footnote it says local expenditures allowed. This is New York local expenditures also allowed. I'm assuming these are contributions from county governments?

Mr. POTTER. Like New York City, Nassau, Suffolk. That was the only year that the State has been allowed to use its local government expenditures which are the main part of the enforcement program in the formula to get Federal grants.

Mr. HOCHBRUECKNER. If I look at the 1984 through 1988 figures at the State expenditure level in 1984, you were successful in promoting a little over $1 million of State funding for this purpose and in 1988, it's up to $5 million?

Mr. POTTER. That's correct.

Mr. HOCHBRUECKNER. You've been very successful, obviously.

Mr. POTTER. A bit of a salesman there. We've gone around and we promoted the program. We got other State agencies involved. New York State Department of Transportation has agreed to address the problem on the canal system, which has never been marked for small boater safety and we've had a significant amount of problems there.

The New York State Police have agreed to become involved in boating safety and last year we supplied them with two new units from Federal money, and they have more than matched that money. They would like to put another unit on the water, and the Town of Islip wants to put another unit on the water. Nassau and Suffolk want to, and that's where the money has been going, but the Federal money allows us to put another unit on the water. We put it out in the form of equipment, but the State then can match it with personal service year and year and that's what has brought the spending up.

Mr. HOCHBRUECKNER. For the record, I would like to note the rather significant increase in the State support for this purpose, from 1 million in 1984 to a little over 5 million in 1988, and I think it's important to note that the State's contribution has increased dramatically and certainly we'd like to see the Federal contribution also increase.

It's good to note that New York is not just saying give us more, but they're putting up more of their own resources in order to improve safety.

Mr. POTTER. I might add that one of the ways the State did that was to—when the Federal money came along, is to realize that the State share of State aid to local governments was too low. It was 50 percent with a very low cap.

Since the Federal program, that has been increased to 75 percent of local expenditures, and we did that by passing a boater registration fee increase and most of that money going back to local governments to enforce boating safety laws.

Mr. HOCHBRUECKNER. How would you say your resources are divided up between your concerns on the North Shore versus your concerns on the South Shore?

Mr. CRAWFORD. We have about equal distribution of our larger boats North Shore to South Shore. We run six 30- to 36-foot boats—divided three and three on the North Shore and South Shore. We do have more speed in enforcement boats on the South Shore, couple more smaller craft for that type of enforcement, but it's about equal.

Mr. HOCHBRUECKNER. Thank you.

Mr. HUTTO. Mr. Pickett.

Mr. PICKETT. Thank you. Chief Crawford, I notice that you raised an issue in your formal remarks here about the launching facilities and the fact that so many of the boats have trailered and the problems associated with launching facilities. Is any program underway to try and do anything about that?

Mr. CRAWFORD. Not that I'm aware of. The limitation or the absence of adequate launch ramps is a big problem and it effects boater safety.

Obviously, in an urban setting, many people trail the boats. The weight and the tides do affect the time that the people have available to launch these boats and people do get into difficulties at the ramps both in the water and on the waiting line.

Mr. PICKETT. Does the State have any program to help localities in establishing launching facilities?

Mr. CRAWFORD. Not that I'm aware of. Perhaps Mr. Potter could answer that.

Mr. POTTER. I think the problem is that you probably don't see as much down here as the rest of the State, the reason being that the price of land is out of sight and the impact of spending a dollar down here as opposed to spending on the Great Lakes for instance is really worlds apart.

The fisheries money going back from the sport fishing account is distributed by a separate State agency, department of environmental conservation and they have a current program to give more access to the Great Lakes. We hope to see more access to the Hudson River.

Down in Long Island, that is a definite problem.

Mr. PICKETT. How is the motor fuel tax refund used here? Do you all take advantage of that as a funding source?

Mr. POTTER. Yes, it is, for access?

Mr. PICKETT. I'm speaking now for things like launching facilities.

Mr. POTTER. Yes. That is distributed basically by the department of environmental conservation through a separate grant to the State of New York.

As I understand it, when the formula fluctuates every year, it may or may not be a certain amount going to the State for boating safety and the amount that does not go to the States or to the Coast Guard, then does go over to the sport fishing account and would be available for grants, for things like access. But I also understand that there is adequate money available for that and you can just build so many sites in a given year with the people available and the local governments applying for grants.

Mr. PICKETT. Thank you.

Mr. HUTTO. Thank you, and we want to thank Mr. Potter and Mr. Crawford for being with us. Your testimony has been helpful to us. I think it's very good for our Subcommittee to know the different ways that the various States handle these problems. It's very important for us to deal with the problem of safety, with the increase in boating activity. Your testimony has meant a great deal to us and we thank you very much for being here with us today.

Did Mr. Joseph Sawicki get here?

[Pause]

Apparently not. That brings to a conclusion our hearing and I would like to stress that this has been a hearing, a congressional hearing by the Subcommittee on Coast Guard and Navigation and not a town hall type meeting, but at the same time we realize that there are many citizens that have views and opinions, recommendations and suggestions that could be helpful to us and by all means we do want to receive these and we would be happy to receive them in writing. If you submit them, we would be glad to make them a part of our record of this hearing here today.

We regret that because of time constraints, we cannot schedule that type of activity where we can have everyone come to the microphone, but we would like to hear from you and please feel free to present your information that you would like the Subcommittee to have.

We want to thank you for your hospitality. It's been good being here in Riverhead today and we thank you for inviting us. Mr. Hochbrueckner, it's been good to be in your territory and we look forward to working with you.

Do you have any closing comments?

Mr. HOCHBRUECKNER. Yes, thank you.

Certainly I'd like to express my thanks to the Riverhead town government for making this facility available to us, as well as of course, making it available to me for my town meetings that I do hold here four times a year.

Also, for those of you who would like to submit written testimony, please do feel free to convey it to me and I will be happy to be the intermediary between yourself and the official record of this hearing, so please either convey it to my office right here in Riverhead across from the Kentucky Fried Chicken place or to my Centereach office, since I have two district offices.

Those of you who would like to provide verbal testimony to me as opposed to providing it officially for the record, I'll be happy to listen to any input you may have at my next town meeting. I have 25 of them last year, I have 32 scheduled this year, so wherever you're from, I will be in your local area over the months ahead and you can convey your words to me.

Also, one item that was brought to my attention that I'd like to raise with the Coast Guard folks is that according to this article in the Staten Island Advance, on April 16 just a week ago, there was a barge accident. The first paragraph reads—Bridgeport Connecticut, an empty fuel oil barge pulled by a tug smashed into three boats docked in Black Rock harbor, and caused an estimated $140,000 in damages authority said.

The story goes on, and essentially we're fortunate that it happened to be an empty fuel oil barge. Obviously if it was a full barge and there had been a major spill, there would certainly be hell to raise and pay.

But this is typical of the many near and real accidents that have occurred in the last couple of months and so I think it's important the Coast Guard be very sensitive to checking the credentials of these folks who are in fact doing the work while the strike is going on. I think we are in a very precarious situation and I hate to be standing by waiting for that shoe to drop where we hear of a major spill because we have unfamiliar folks working these deliveries in this part of the strike situation.

With that, I thank you very much and for those who'd like to convey your testimony, we can do it verbally or in writing. If it's in writing, it will become part of the official record of this hearing.

I thank you very much, Mr. Chairman.

Mr. HUTTO. One final question, where's the Kentucky Fried Chicken place?

Mr. HOCHBRUECKNER. I'm sorry if I had you salivating.

Mr. HUTTO. We want to thank you all for coming and the Subcommittee on Coast Guard and Navigation stands adjourned.

[Whereupon, at 11:35 a.m. the Subcommittee on Coast Guard and Navigation was adjourned.]

[The following was submitted for the record:]

U.S. Department of Transportation
United States Coast Guard

Commandant
United States Coast Guard

Washington, D.C. 20593-0001
Staff Symbol:
Phone:

PREPARED STATEMENT

OF

REAR ADMIRAL ROBERT J. JOHANSON

COMMANDER, FIRST COAST GUARD DISTRICT

BEFORE THE

HOUSE SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

25 APRIL 1988

Biographical Sketch
U.S. COAST GUARD

Rear Admiral Robert L. Johanson

A 1955 graduate of the Coast Guard Academy, Rear Admiral Robert L. Johanson is currently serving as District Commander, First Coast Guard District in Boston, Mass. His previous staff assignments have included duty as Deputy Chief in the Office of Engineering and Chief, Aeronautical Engineering Division both at Coast Guard Headquarters in Washington, D.C. He took over command of the First District June 28, 1985. His previous assignment was as Chief of Staff, Third Coast Guard District in New York, N.Y.

Rear Admiral Johanson's distinguished career includes several aviation assignments, including duty at Coast Guard Air Stations San Diego, Calif., and Annette, Alaska. He served as commanding officer at Air Stations Houston, Texas, and Kodiak, Alaska, and was the Coast Guard liaison officer at Wright Patterson Air Force Base, Ohio.

In addition, Rear Admiral Johanson has seen duty aboard the Coast Guard Cutter Half Moon; as commanding officer of Coast Guard Cutter Cape George; as commander, Coast Guard Group Baltimore, Md.; and as commanding officer at two Coast Guard LORAN stations.

During his career, Rear Admiral Johanson has been awarded three Meritorious Service Medals, the Air Medal, and two Coast Guard Commendation Medals.

Rear Admiral Johanson is married to the former Joan C. Flaherty of New London, Conn. They have seven sons: Robert II, Michael, Jeffrey, Steven, Eric, Christopher, and Kurt. The Rear Admiral's mother, Mrs. Charlotte M. Johanson, resides in Avon, Conn.

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE ON COAST GUARD AND NAVIGATION. THANK YOU FOR THE OPPORTUNITY TO TESTIFY AT THIS FIELD HEARING ON ISSUES RELATED TO RECREATIONAL BOATING SAFETY.

I WILL FOCUS MY COMMENTS ON THE BOATING SAFETY PROGRAM IN THE FIRST COAST GUARD DISTRICT FROM THE PERSPECTIVE OF SEARCH AND RESCUE, EDUCATION, ALCOHOL ABUSE, AND STATE RELATIONSHIPS.

LOCATED IN THE DENSELY POPULATED NORTHEAST SECTION OF THE COUNTRY, THE FIRST COAST GUARD DISTRICT EXTENDS ALONG THE COAST FROM THE CANADIAN BORDER TO THE TOMS RIVER IN NEW JERSEY AND INCLUDES THE STATES OF MAINE, NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, AND PARTS OF NEW YORK AND NEW JERSEY.

THE SUSTAINED STRONG ECONOMY OF THIS REGION IS CERTAINLY REFLECTED IN A ROBUST RECREATIONAL BOATING COMMUNITY WHICH HAS TAKEN FULL ADVANTAGE OF THE EXCELLENT OPPORTUNITY FOR BOATING, FISHING, AND HUNTING THAT THIS AREA IS NOTED FOR.

THE FIRST COAST GUARD DISTRICT NOW HAS APPROXIMATELY ONE MILLION REGISTERED BOATS, AND THE GROWING DEMAND UPON COAST GUARD RESOURCES TO CONTINUE ITS ROLE AS THE LEAD FEDERAL AGENCY IN RECREATIONAL BOATING SAFETY IS A MANAGEMENT CHALLENGE IN LIGHT OF FUNDING AND PERSONNEL REDUCTIONS.

THERE ARE OVER 5600 ACTIVE DUTY AND RESERVE PERSONNEL AND OVER 7500 COAST GUARD AUXILIARISTS WHO PATROL THE DISTRICT'S APPROXIMATELY 108,000 SQUARE MILES OF OPEN WATER, NAVIGABLE RIVERS AND LAKES. LAST YEAR (FY87), IN THE FIRST DISTRICT WE PROSECUTED 11,204 SEARCH AND RESCUE CASES, SAVED THE LIVES OF 610 MARINERS, ASSISTED 27,541 OTHERS PERSONS IN NEED, AND PREVENTED

$186,823,000 DOLLARS WORTH OF PROPERTY FROM DAMAGE OR LOSS.

OUR CURRENT EFFORTS IN THE BOATING SAFETY BUSINESS ARE NOT BEING ACCOMPLISHED ALONE. THEY INCLUDE THE CLOSE SUPPORTIVE BOATING PROGRAMS PROVIDED BY THE STATES, THE U. S. POWER SQUADRONS, AND THE COAST GUARD AUXILIARY. THE COAST GUARD AND STATE WORKING RELATIONSHIPS CONTINUE TO BE EXCELLENT AND PRODUCTIVE IN ALL RESPECTS. WE HAVE BEEN NEGOTIATED WRITTEN AGREEMENTS WITH ALL OF THE STATES IN MY DISTRICT ADDRESSING BOATING SAFETY ISSUES SUCH AS SEARCH AND RESCUE, PUBLIC EDUCATION, BOATING CASUALTY INVESTIGATION AND REPORTS, REGATTA PATROLS AND LAW ENFORCEMENT. EACH STATE BOATING LAW ADMINISTRATOR (SBLA) HAS AN ONGOING WORKING RELATIONSHIP WITH MY BOATING SAFETY DIVISION. A COAST GUARD AUXILIARY LIAISON OFFICER TO THE SBLA HAS ALSO BEEN APPOINTED IN EACH STATE. IN FACT, IN NEW YORK OUR LIAISON OFFICER IS WORKING VERY CLOSELY WITH THE SBLA BY PROVIDING THE ON-THE-WATER TRAINING OF STATE PARK POLICE - A VERY SUCCESSFUL PROGRAM. OUR COMMUNICATIONS AND COOPERATION HAVE GROWN STRONGER EACH YEAR AS THE STATES EMBRACE A HEIGHTENED ROLE IN THE RECREATIONAL BOATING SAFETY BUSINESS ON THE WATER AND IN THE CLASSROOM. SOME EXAMPLES INCLUDE:

-STATE LAW ENFORCEMENT OFFICERS HAVE ATTENDED THE COAST GUARD'S NATIONAL BOATING SAFETY COURSE AT YORKTOWN, VIRGINIA, AND THE COAST GUARD AUXILIARY'S ADVANCED VESSEL OPERATOR SCHOOL AT THE MASSACHUSETTS MARITIME ACADEMY.

-STATES HAVE ASSISTED LOCAL COAST GUARD LAW ENFORCEMENT EFFORTS, SUCH AS ADMINISTERING BREATHALYZER TESTS ON SUSPECTED INTOXICATED BOATERS.

-THE AUXILIARY AND THE U. S. POWER SQUADRONS TEACH RECREATIONAL BOATING CLASSES THAT HELP THE STATES QUALIFY FOR FEDERAL FUNDS. IT IS ESTIMATED THAT THE AUXILIARY TRAINED 60% OF THE 2,765 STUDENTS RECEIVING TRAINING IN THE STATE OF NEW YORK IN FY87.

-THE COAST GUARD, THE AUXILIARY, THE STATES AND LOCAL AGENCIES ASSIST EACH OTHER IN THE SAVING OF LIVES AND PROPERTY WHEN EMERGENCY SITUATIONS ARISE.

THE BOATING SAFETY ACCOUNT OF THE AQUATIC RESOURCES TRUST FUND HAS MADE THIS TYPE OF COOPERATION POSSIBLE, AND HAS FOSTERED AN EVER INCREASING ROLE FOR THE STATES AND LOCAL AGENCIES IN THE RECREATIONAL BOATING SAFETY PROGRAM.

THE U. S. POWER SQUADRONS AND COAST GUARD AUXILIARY, ALONG WITH THE STATES, PROVIDE THE MAJOR ROLE IN EDUCATING THE BOATING PUBLIC. WHILE THE POWER SQUADRONS AND COAST GUARD AUXILIARY HAVE BEEN THE TRADITIONAL BOATING EDUCATORS, THE STATES HAVE MADE AN ENTRY IN RECENT YEARS IN THIS AREA AND STATE BOATING SAFETY COURSES ARE OFFERED IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, AND NEW YORK.

THE COAST GUARD RELIES ON THE COAST GUARD AUXILIARY TO CARRY OUT MOST OF ITS RECREATIONAL BOATING SAFETY PROGRAM THROUGH TRAINING, PUBLIC EDUCATION, COURTESY MARINE EXAMINATIONS, AND ON-THE-WATER PATROLS. THE COAST GUARD AUXILIARY IS PERHAPS BEST KNOWN FOR SAFE BOATING EDUCATION PROGRAMS FOR ALL AGES PRESENTED IN ITS OWN CLASSROOMS OR NEIGHBORHOOD SCHOOLS. MORE THAN 5,000,000 PLEASURE BOATERS, ADULTS AND YOUNG PEOPLE, HAVE ATTENDED COAST GUARD AUXILIARY SAFE BOATING CLASSES SINCE 1969.

27,521 PERSONS TOOK AUXILIARY BOATING SAFETY COURSES IN THE FIRST DISTRICT LAST YEAR. CURRENTLY, THE AUXILIARY IS TRAINING MORE NOVICES IN THE PRINCIPLES AND TECHNIQUES OF BOATING SAFETY THAN ANY OTHER ORGANIZATION IN THE WORLD. MEMBERS OF THE AUXILIARY ARE ALSO TEACHING IN-STATE COURSES OFFERED BY RHODE ISLAND, MASSACHUSETTS, NEW YORK AND CONNECTICUT. WHILE THE COAST GUARD STRONGLY ENDORSES BOATING EDUCATION, IT CONSIDERS THE ISSUE OF MANDATORY EDUCATION A STATE PREROGATIVE.

ANOTHER COAST GUARD AUXILIARY CONTRIBUTION TO SAFETY ON THE WATER IS THEIR VESSEL EXAMINATION PROGRAM IN WHICH A FREE COURTESY MARINE EXAMINATION IS OFFERED TO RECREATIONAL BOAT OWNERS TO INSURE THEIR FACILITIES ARE PROPERLY EQUIPPED TO BE SAFELY OPERATED. AUXILIARY COURTESY MARINE EXAMINERS NATIONWIDE HAVE GIVEN OVER 4 MILLION OF THESE FREE SAFETY CHECKS TO PLEASURE BOATERS SINCE 1969, AND CONDUCTED 40,619 COURTESY MARINE EXAMINATIONS IN THE FIRST DISTRICT LAST YEAR.

THE ACTIVE DUTY COAST GUARD ALSO EMPLOYS A VESSEL INSPECTION PROGRAM FOR THE PURPOSE OF SAFETY AND EDUCATION AND TO ENSURE COMPLIANCE WITH FEDERAL BOATING REQUIREMENTS, REGISTRATION, AND DOCUMENTATION. THE COAST GUARD'S BOARDING OFFICER, UNLIKE THE AUXILIARY COURTESY MARINE INSPECTOR, DOES HAVE LAW ENFORCEMENT AUTHORITY AND UPON WITNESSING A VIOLATION OF FEDERAL REQUIREMENTS MAY ISSUE A BOARDING OFFICER CITATION. DURING 1987, THE FIRST DISTRICT CONDUCTED OVER 7,300 LAW ENFORCEMENT BOARDINGS, WHICH RESULTED IN 1,749 RECREATIONAL BOATER WARNINGS AND 138 CIVIL CASES IN WHICH THE COAST GUARD IMPOSED MONETARY PENALTIES.

CONFRONTED WITH TODAYS DRAMATIC INCREASES IN BOATING AS A PASTIME, WITH 70 MILLION PERSONS INVOLVED, RECREATIONAL BOATING HAS BECOME AMERICA'S LEADING FAMILY PARTICIPATION SPORT AND THE COAST GUARD LOOKS TO THE STATES, THE POWER SQUADRONS THE AUXILIARY AND OTHERS TO TRY TO KEEP PACE WITH INCREASED EDUCATIONAL AND SAFETY AWARENESS PROGRAMS. YET CURRENT ESTIMATES ARE THAT LESS THAN 10% OF THE BOATING PUBLIC IS BEING REACHED WITH ANY KIND OF FORMALIZED BOATING EDUCATION PROGRAM.

A HIGHLY VALUABLE FACET OF THE COAST GUARD AUXILIARY'S BOATING SAFETY EFFORT HAS BEEN THEIR ON-THE-WATER PATROLS WHERE THEY VOLUNTEER THEIR OWN FACILITIES AND THEIR TIME TO PERFORM SAFETY PATROLS, REGATTA PATROLS AND NON-EMERGENCY SEARCH AND RESCUE MISSIONS. REGULAR COAST GUARD ASSETS AVAILABLE HAVE BEEN INSUFFICIENT TO MEET THE ENORMOUS DEMANDS GENERATED BY LARGE ON-THE-WATER FUNCTIONS SUCH AS THE NEW YORK TALL SHIPS CELEBRATION IN 1986. IN THESE INSTANCES, AS WELL AS DURING ROUTINE SUMMERTIME AND WEEKEND BOATING ACTIVITIES AND SPECIAL EVENTS, AUXILIARY AUGMENTATION IS INVALUABLE. IN 1987 THE FIRST DISTRICT AUXILIARY PATROLLED 20,677 HOURS ON-THE-WATER, SAVED 61 LIVES, ASSISTED 4,097 BOATERS AND PREVENTED DAMAGE TO OVER $28 MILLION DOLLARS WORTH OF PROPERTY. THERE ARE 3 AUXILIARY DIVISIONS WITH OVER 500 MEMBERS IN THE NEW YORK FIRST CONGRESSIONAL DISTRICT. IN CALENDAR YEAR 1987 THEY TAUGHT 36 PUBLIC EDUCATION COURSES WITH 1,581 STUDENTS, PERFORMED 2,617 COURTESY MARINE EXAMINATIONS, SAVED 4 LIVES, ASSISTED 148 BOATERS, AND PREVENTED THE LOSS OF $1,908,700 WORTH OF PROPERTY.

FINALLY, LET ME SPEAK TO THE ISSUE OF ALCOHOL ABUSE IN THE RECREATIONAL BOATING COMMUNITY. THERE HAS BEEN GROWING EVIDENCE THAT ALCOHOL ABUSE MAY BE A CONTRIBUTING FACTOR IN 50% TO 60% OF REPORTABLE BOATING ACCIDENTS.

OPERATING A VESSEL WHILE INTOXICATED BECAME A FEDERAL OFFENSE IN 1984, AND VIOLATORS BECAME SUBJECT TO CIVIL ($1,000) AND CRIMINAL ($5,000, ONE YEAR IN JAIL, OR BOTH) PENALTIES AFTER JANUARY 13, 1988. THE KEY TO AN EFFECTIVE CAMPAIGN AGAINST DRUNK BOATING IS TO COUPLE AN AGGRESSIVE EDUCATION AND PUBLIC INFORMATION CAMPAIGN WITH STRONG ENFORCEMENT STANDARDS. THESE STANDARDS NOW INCLUDE BEHAVIORAL SIGNS OF INTOXICATION, AN INDEPENDENT BLOOD ALCOHOL CONCENTRATION (BAC), AND PROVIDE FOR PRESUMPTION OF INTOXICATION IF TESTING IS REFUSED. THE BAC IS .10 PERCENT FOR RECREATIONAL VESSEL OPERATORS AND .04 PERCENT FOR OPERATORS OF ALL OTHER VESSELS. THESE STANDARDS WILL CONFORM TO ANY ENACTED STATE BAC STANDARD - HIGHER OR LOWER THAN .10 PERCENT - ON WATERS WITHIN THE GEOGRAPHIC BOUNDARIES OF THAT STATE.

THE STATE OF NEW YORK HAS TWO SEPARATE OFFENSES INVOLVING OPERATION OF A VESSEL WHEN IMPAIRED BY ALCOHOL: OPERATING A VESSEL WHILE INTOXICATED (BAC GREATER THAN .10%) AND OPERATING A VESSEL UNDER THE INFLUENCE (BAC BETWEEN .07% AND .10%). THE LAW IS DIFFICULT TO ENFORCE BECAUSE BAC TESTS CAN BE GIVEN ONLY WITH A COURT ORDER AND IN THE EVENT OF AN ACCIDENT WHEN A DEATH OR SEVERE INJURY OCCURS.

MOST STATES EITHER HAVE SATISFACTORY INTOXICATED BOAT OPERATION LAWS OR ARE WORKING TOWARD EQUAL OR STRONGER STANDARDS

THAN THE CURRENT FEDERAL LAW. THE MOMENTUM FOR SOBRIETY WHILE BOATING IS BUILDING NATIONWIDE. UNFORTUNATELY, CURRENT COAST GUARD BUDGET LIMITATIONS DO NOT PROVIDE FUNDS FOR NEEDED BAC EQUIPMENT OR TRAINING OF OUR PEOPLE TO ENFORCE THE NEW STANDARDS. IN THE INTERIM WE WILL CONTINUE CURRENT ENFORCEMENT METHODS, WHICH INCLUDE:

-TERMINATING A VOYAGE FOR REASON OF AN UNSAFE CONDITION.

-CITING FOR NEGLIGENT OR GROSSLY NEGLIGENT OPERATIONS.

-REQUESTING ASSISTANCE FROM LOCAL OR STATE LAW ENFORCEMENT PERSONNEL TO ADMINISTER CHEMICAL TESTING IF NECESSARY.

THE FIRST DISTRICT AUXILIARY PUBLIC AFFAIRS PROGRAM, WHICH IS PART OF THE AUXILIARY PUBLIC EDUCATION EFFORT, MADE 6,682 PUBLIC APPEARANCES AND PUBLIC SERVICE ANNOUNCEMENTS IN 1987, USUALLY HIGHLIGHTING THE SUBJECT OF INTOXICATED BOATERS. THE THEMES FOR THE NATIONWIDE NATIONAL SAFE BOATING COUNCIL CONTINUES TO FOCUS ATTENTION ON THIS PROGRAM TO KEEP IT VISIBLE IN PUBLIC SERVICE ANNOUNCEMENTS AND ARTICLES RELEASED TO LOCAL MEDIA. NOW THAT WE HAVE SOME OF THE TOOLS TO GRAPPLE WITH THE ALCOHOL PROBLEM, I AM ENCOURAGED THAT WE SHALL SEE A GRADUAL REDUCTION IN THE NUMBER OF INCIDENTS ATTRIBUTABLE TO BOATING WHILE INTOXICATED.

IN CONCLUSION, DESPITE THE GREAT GROWTH SEEN IN RECREATIONAL BOATING OVER THE LAST DECADE, THE ACTUAL RATE OF FATALITIES HAS DECLINED DUE TO THE FARSIGHTED INITIATIVES OF THE FEDERAL BOAT SAFETY ACT OF 1971 (20.2 FATALITIES PER 100,000 BOATERS IN 1971, TO 6.5 FATALITIES IN 1986). THAT LEGISLATION, WHICH INCLUDED MONEY FOR STATE EDUCATION AND MARINE PATROLS, HIGHER CONSTRUCTION

STANDARDS AND ASSOCIATED SAFETY EQUIPMENT FOR BOATS, IS STILL PAYING OFF. THAT BEGINNING CONTINUES TODAY WITH FUNDS FROM THE BOAT SAFETY ACCOUNT OF THE AQUATIC RESOURCES TRUST FUND. OUR CHALLENGE NOW IS TO BUILD UPON THE MUTUAL SPIRIT OF SUPPORT AND COOPERATION AMONGST ALL RECREATIONAL BOATING ORGANIZATIONS AND REGULATORS SO THE WATERWAY WILL BECOME SAFER IN THE FUTURE.

U.S. Department of Transportation
United States Coast Guard

Commandant
United States Coast Guard

Washington, D.C. 20593-0001
Staff Symbol:
Phone:

DEPARTMENT OF TRANSPORTATION

U. S. COAST GUARD

STATEMENT OF COMMODORE PETER W. MELERA

BEFORE THE

HOUSE OF REPRESENTATIVES SUBCOMMITTEE

ON COAST GUARD AND NAVIGATION

COMMITTEE OF MERCHANT MARINE AND FISHERIES

25 APRIL 1988

COAST GUARD AUXILIARY BIOGRAPHICAL SKETCH

Peter W. Melera, Commodore, First Coast District, Southern Region

Member, BQ 1974
Instructor, 1975 - present. Approximatly 250 hr of class time.
Vessel Examiner, 1975 - present. 300 CME's preformed.
Vessel Operator, 1977 - present. In excess of 500hr patrol time.
Auxiliary Coordinator, Ft. Totten Station, 1980 -1984. Over 100 hr. of operational support.
Member, AUXOP 1983
Auxiliary Coxswain 1984
Qualification Examiner, BCQ Program, 1984 - present.

OFFICES HELD

Flotilla:
FSO/PB, 1975 (appointed)
FSO/VE, 1976 "
VFC, 1977-1978 (elected)
FC, 1979-1980 "
FSO/MT, 1981-1984 (appointed)

Division:
SO/PE, 1977-1978 (appointed)
DCP, 1983-1984 (elected)

District:
Committee Chairman, Salutes and Honors, 1979-1980 (appointed)
DSO/PE, 1980-1982 (appointed)
RCO(E), 1985-1986 (elected)
DCO, 1987-1988 (elected)

RELATED ACTIVITIES

Picket Boat Crewmember OPSAIL 76'
Attendance, District Rendevous, 1977-1987
Attendance, District Conference, 1978-1988 (Presented District Public Education Seminar, 1980-1982)
Attendance, National Conference, Norfolk, VA 1982
Palo Alto, CA 1987
Attendance, National Eastern Area Conference, Tarrytown, NY 1984
Williamsburg, VA 1987
Port Security Training Instructor, OPSAIL, 86'
Picket Boat Operator OPSAIL 86'

AWARDS

In addition to several Auxiliary and Coast Guard certificates of recognition, the following awards have also been received:
The Coast Guard Unit Commendation Award
The Coast Guard Meritorious Unit Commendation Award

U.S. Department of Transportation
United States Coast Guard

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DEPARTMENT OF TRANSPORTATION

U. S. COAST GUARD

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25 APRIL 1988

CONGRESSMAN HUTTO, MEMBERS OF THE SUBCOMMITTEE ON COAST GUARD AND NAVIGATION, ON BEHALF OF THE 514 MEN AND WOMEN WHO COMPRISE THE THREE U. S. COAST GUARD AUXILIARY DIVISIONS LOCATED WITHIN THE FIRST CONGRESSIONAL DISTRICT IN NEW YORK, AND THE MORE THAN 3500 MEMBERS WHO SERVE THE AUXILIARY MISSION IN THE SOUTHERN REGION OF THE FIRST COAST GUARD DISTRICT. I THANK YOU FOR THIS OPPORTUNITY TO ADDRESS THE BOATING SAFETY ISSUES OF CONCERN HERE TODAY.

THE COAST GUARD AUXILIARY, A CIVILIAN VOLUNTEER ORGANIZATION, WAS CHARTERED BY CONGRESS IN 1939. ITS PURPOSES, AS INDICATED IN THAT CHARTER, INCLUDE, "PROMOTING SAFETY AND EFFECTING RESCUES ON AND OVER THE HIGH SEAS AND U. S. NAVIGABLE WATERS." THE AUXILIARY IS ADMINISTERED BY THE COMMANDANT UNDER STATUTORY AUTHORITY IN 14 USC, CHAPTERS 23 AND 25. TO EFFECT ITS MISSION, THE AUXILIARY HAS EVOLVED A THREE PART PROGRAM, A TRIAD, IF YOU WILL, THAT INCLUDES PUBLIC EDUCATION, VESSEL EXAMINATION, AND OPERATIONAL ACTIVITIES. EACH OF THESE PROGRAMS IS OFFERED TO THE BOATING PUBLIC, ESSENTIALLY FREE OF CHARGE, ALTHOUGH

IT SHOULD BE NOTED THAT MODEST FUNDING FOR AUXILIARY PROGRAMS PRIMARILY IN THE FORM OF FUEL FOR OPERATIONS AND TRAINING COSTS ARE PROVIDED BY THE COAST GUARD THROUGH TAX REVENUE SOME OF WHICH IS DERIVED, INDIRECTLY, FROM THE BOAT SAFETY ACCOUNT OF THE AQUATIC RESOURCES TRUST FUND. THE REST, HIS TIME, EFFORT, AND EQUIPMENT (VESSELS, AIRCRAFT, LAND AND MOBILE RADIO STATIONS, ETC.) ARE VOLUNTARILY DONATED. MEMBERS OF THE SUBCOMMITTEE, I SUBMIT TO YOU THAT IN THIS DAY OF PRIVATIZATION THE COAST GUARD AUXILIARY REPRESENTS WHAT MAY BE THE EPITOME OF THAT PHILOSOPHY, I.E., THE USE OF HIGHLY TRAINED NON-PAID MEMBERS OF THE PRIVATE SECTOR - VOLUNTEERS - TO PROVIDE SAFE BOATING SUPPORT TO THE PUBLIC.

TO MORE CLEARLY UNDERSTAND THE DOLLAR IMPACT OF AUXILIARY PROGRAMS AND TO DIRECTLY ADDRESS ONE OF THE MAIN TOPICS OF CONCERN TO THIS SUBCOMMITTEE, NAMELY, THE EFFECTIVENESS OF RECREATIONAL BOATING SAFETY PROGRAMS THAT ARE PARTIALLY FUNDED THROUGH THE BOAT SAFETY ACCOUNT OF THE AQUATIC RESOURCES TRUST FUND, LET US USE 1987 AS A EXAMPLE. SINCE THE AUXILIARY DIVISIONS LOCATED IN THE FIRST CONGRESSIONAL DISTRICT DO NOT ALL OPERATE WITHIN ONE COAST GUARD GROUP, AND SINCE FUNDING FOR AUXILIARY OPERATIONS IS ALLOCATED BY GROUP, THE NUMBERS I WILL PRESENT ARE NECESSARILY AVERAGES, BUT, NEVERTHELESS, WILL MAKE THE POINT. GROUP MORICHES AND GROUP LONG ISLAND SOUND BUDGETED A TOTAL OF $40,000 FOR AUXILIARY OPERATIONS IN 1987. NOTE THAT NO FUNDING IS PROVIDED BY GROUPS TO SUSTAIN EITHER THE PUBLIC EDUCATION OR VESSEL EXAMINATION PROGRAMS OF THE AUXILIARY. THESE GROUPS, TOGETHER CONTAIN 9 AUXILIARY DIVISIONS, HENCE THE AVERAGE SUPPORT PER DIVISION WAS $4500. THE 3 DIVISIONS IN THE FIRST CONGRESSIONAL DISTRICT WERE THEREFORE ALLOCATED A TOTAL OF $13,500. WITH THAT LEVEL OF FUNDING THESE THREE DIVISIONS SAVED FOUR LIVES, AND ASSISTED 148 OTHER PERSONS, REPRESENTING SOME $1,900,00 WORTH OF PROPERTY. THEY EDUCATED 1581 STUDENTS, EXAMINED 2617 VESSELS AND PROVIDED 105 OPERATIONAL FACILITIES FOR COAST GUARD USE. OVERALL, THEY ACCOMPLISHED 1773 HOURS OF BOATING SAFETY OPERATIONAL SUPPORT TO THE COAST GUARD, AND MOST IMPORTANTLY, TO THE BOATING PUBLIC. THAT, MEMBERS OF THE SUBCOMMITTEE, REDUCES TO A COST OF $7.61 PER HOUR OF OPERATIONAL SUPPORT. LET ME HASTEN TO POINT OUT THAT SIMILAR FIGURES

CAN BE GENERATED FROM OTHER CONGRESSIONAL DISTRICTS THROUGHOUT THIS COUNTRY. THEIR SIMPLY IS NO QUESTION THAT THE COAST GUARD AUXILIARY REPRESENTS ONE OF THE MOST, IF NOT THE MOST COST EFFECTIVE GOVERNMENTAL-PRIVATE SECTOR COOPERATIVE PROGRAMS IN EXISTENCE.

THE OTHER ISSUE RAISED BY THE SUBCOMMITTEE ADDRESSES THE PROBLEMS CAUSE BY LARGE INCREASES IN THE NUMBER OF BOATERS IN THE AREA SUCH AS CONGESTION IN HARBORS, SPEED, BOAT ACCESS RAMPS AND PARKING AREAS, MANDATORY EDUCATION, ALCOHOL ABUSE, AND THE COOPERATION BETWEEN STATE AND FEDERAL OFFICIALS IN BOTH SEARCH AND RESCUE EFFORTS AND IN BOATING SAFETY EDUCATION. WHILE I CANNOT OFFER SOLUTIONS TO THE CONGESTION IN HARBORS AND THE APPARENT CATCH 22 OF BUILDING MORE ACCESS RAMPS AND PARKING LOTS SO THAT MORE PERSONS CAN BE ON THE WATER THUS ADDING TO THE CONGESTION, I CAN SUGGEST THAT TO EDUCATE THE BOATING PUBLIC, INSPECT THEIR VESSELS TO ASSURE THEIR COMPLIANCE WITH STATE AND FEDERAL REGULATIONS, AND TO PROVIDE OPERATIONAL SUPPORT, DIRECTLY IMPACTS ON THE OTHER ISSUES. INDEED, THE AUXILIARY TRIAD TO EVOLVED TO COPE WITH THESE PROBLEMS. ALTHOUGH AS AN ORGANIZATION WE REMAIN NEUTRAL ON THE MANDATOR EDUCATION ISSUE, WE EMBRACE THE IDEA THAT AN EDUCATED BOATER IS A BETTER BOATER, WHO WILL RECOGNIZE THE NEED FOR APPROPRIATE SPEEDS AND UNDERSTAND THAT THE CONSUMPTION OF ALCOHOL WHILE UNDERWAY PUTS HIM AND HIS FELLOW BOATERS AT RISK. THE EDUCATED BOATER WILL ALSO BE AWARE OF THE RULES OF THE ROAD AND BASIC SEAMANSHIP WHICH SHOULD PROVIDE HIM WITH THE TOOLS NECESSARY TO COPE WITH THE INCREASINGLY CONGESTED WATERWAYS. THE AUXILIARY VESSEL EXAMINATION PROGRAM PROVES THE BOATER WITH THE INFORMATION NECESSARY FOR HIM TO PROPERLY EQUIP HIS VESSEL FOR SAFETY AND TO MEET THE MINIMUM EQUIPMENT STANDARDS SET BY BOTH STATE AND FEDERAL AGENCIES. HENCE, THE AUXILIARY PLACES THE EDUCATED BOATER IN A PROPERLY EQUIPPED VESSEL. FINALLY, AND PERHAPS MOST IMPORTANTLY, THE AUXILIARY THROUGH ITS OPERATIONAL EFFORTS HAS THE CAPACITY TO PROVIDE RAPID HIGHLY TRAINED AND PROFESSIONAL RESPONSE TO BOTH EMERGENCY AND NON-EMERGENCY SEARCH AND RESCUE SITUATIONS. NO MATTER HOW WELL EDUCATED AND EQUIPPED THE BOATER MAY BE, IT IS IN THE NATURE OF THE MARINE ENVIRONMENT AND IN

THE NATURE OF THE HUMAN BEING AS WELL THAT PROBLEMS WILL OCCUR UNDERWAY. WHEN THAT HAPPENS IT IS IN THE BEST INTERESTS OF THE BOATING PUBLIC THAT THE RAPID RESPONSE ABILITY OF THE AUXILIARISTS ON PATROL BE UTILIZED TO THE FULLEST EXTENT POSSIBLE. HENCE IT APPEARS THAT MANY OF THE PROBLEMS IDENTIFIED BY THE SUBCOMMITTEE CAN BE ALLEVIATED, TO A GREAT EXTENT, BY OPTIMAL UTILIZATION OF THE COAST GUARD AUXILIARY. AND HERE IS THE CRUX OF THE ISSUE. THE AUXILIARY IS THE MAIN PILLAR OF THE COAST GUARD'S RECREATIONAL BOATING SAFETY PROGRAM, YET IN 1987, THE AUXILIARY BARELY TAUGHT ENOUGH PUBLIC EDUCATION CLASSES AND INSPECTED ENOUGH VESSELS TO KEEP PACE WITH THE PERCENTAGE INCREASE IN THE NUMBER OF REGISTERED BOATS IN THE SOUTHERN REGION OF THE FIRST COAST GUARD DISTRICT. GIVEN THAT A POOL OF OVER 250,000 VESSELS AND OPERATORS EXIST IN THIS REGION, AND THAT THE NUMBER GROWS BY APPROXIMATELY 4% EACH YEAR, THE AUXILIARY EFFORT MUST EXPAND CONSIDERABLY IF WE ARE TO CONTINUE TO BE AN EFFECTIVE FORCE FOR BOATING SAFETY. GROWTH OF THE AUXILIARY, THEREFORE, MUST BE CONSIDERED A PRIME CONCERN FOR ALL THOSE INTERESTED IN OR RESPONSIBLE FOR THE PROMOTION OF BOATING SAFETY. AND IN FACT THIS CONCERN MAY ALSO EXTEND TO STATE GOVERNMENTS. HERE IN NEW YORK, FOR EXAMPLE, THE COAST GUARD AUXILIARY IS BEING UTILIZED TO TRAIN OFFICERS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN SMALL BOAT HANDLING AND SAFETY. THIS NEW PROGRAM WHICH BEGAN IN THE HUDSON RIVER VALLEY AND ALBANY AREAS IS NOW BEING EXTENDED TO THE FINGER LAKES REGION AND EFFORTS TO EXPAND IT TO THE RECENTLY REVITALIZED NEW JERSEY MARINE POLICE ARE ALSO IN PROGRESS. MOREOVER, IN NEW YORK 60% OF THE YOUNG PEOPLE 16 YEARS OF AGE AND UNDER WHO RECEIVED BOATING LICENSES IN 1987 OBTAINED THEIR MANDATORY CLASSROOM TRAINING FROM AUXILIARISTS TEACHING THE NEW YORK STATE YOUNG PEOPLE'S BOATING COURSE. CLEARLY, THEN, IT IS IN THE BEST INTERESTS OF FEDERAL AND STATE GOVERNMENTS ALIKE, AND ULTIMATELY THE BOATING PUBLIC ITSELF, TO PROMOTE THE UNIMPEDED GROWTH OF THE AUXILIARY. HOW CAN THIS BE ACCOMPLISHED?

TO ADDRESS THIS ISSUE TWO POINTS MUST BE MADE CLEAR. FIRST, AS IN THE CASE OF MOST, IF NOT ALL, VOLUNTARY ORGANIZATIONS, THE 80-20 RULE APPLIES TO THE

AUXILIARY. THAT IS, 20% OF THE MEMBERSHIP DOES 80% OF THE WORK. HENCE, THE PERSON TEACHING IN THE CLASSROOM IN FEBRUARY IS MOST LIKELY THE SAME PERSON UNDERWAY IN JULY. ALSO IMPORTANT HERE IS THE CONCEPT OF THE TRIAD. THE THREE PROGRAMS ARE INTERRELATED AND MEMBER INTEREST GENERALLY OVERLAPS THEM. TO WEAKEN OR REMOVE ONE, COMPROMISES THE OTHERS, RESULTING IN AN OVERALL LOSS OF EFFECTIVENESS. SECONDLY, IT MUST BE REMEMBERED THAT THE AUXILIARY IS NOT A FRATERNAL ORGANIZATION. RATHER, IT IS A VOLUNTARY PUBLIC SERVICE. MEMBERS JOIN TO PROVIDE PUBLIC SERVICE, TO PROMOTE BOATING SAFETY, TO LEARN TO BE BETTER BOATERS THEMSELVES, AND TO TAKE ADVANTAGE OF THE HANDS ON OPERATIONAL ACTIVITY THAT THE AUXILIARY HAS HISTORICALLY OFFERED TO THE PUBLIC AND PROVIDED TO ITS MEMBERS. IT IS THIS LATTER CATEGORY THAT SEPARATES THE AUXILIARY FROM OTHER BOATING ORGANIZATIONS AND INITIALLY ATTRACTS NEW MEMBERS. INDEED IT HAS BEEN HISTORICALLY TRUE THAT NEW MEMBERS FIRST INVOLVE THEMSELVES WITH OPERATIONAL QUALIFICATION AND ONLY LATER BECOME PUBLIC EDUCATION INSTRUCTORS AND VESSEL EXAMINERS. BECAUSE OPERATIONS IS THE "STUFF" OF THE AUXILIARY, AND BECAUSE IT WAS RECOGNIZED SEVERAL YEARS AGO THAT THE ENTIRE COAST GUARD FAMILY OUGHT TO BE UPGRADED IN ITS OPERATIONAL EXPERTISE, A NEW BOAT CREW QUALIFICATION PROGRAM WAS PUT INTO EFFECT. EFFECTIVE ON 1 JANUARY 1987, THIS PROGRAM NOW INSURES THAT AUXILIARISTS UNDERWAY ARE AMONG THE MOST HIGHLY TRAINED SMALL BOAT CREWPERSONS AND OPERATORS AVAILABLE. YET THESE HIGHLY TRAINED PERSONNEL ARE NOT BEING OPTIMALLY UTILIZED. IN FACT, THE UNFORTUNATE ESTABLISHMENT IN 1983 OF THE NON-EMERGENCY ASSISTANCE POLICY, HAS SERIOUSLY IMPACTED UPON THE AUXILIARY OPERATIONS CORNERSTONE. NEW AND OLD MEMBERS ALIKE ARE DEMORALIZED AND CONFUSED. HERE WE ARE FIELDING THE BEST AND MOST COMPETENT BOAT CREWS IN OUR HISTORY. WE CAN NOW FULFILL OUR PUBLIC SERVICE OBLIGATION BETTER THAN WE EVER COULD BEFORE, AND ARE TOLD THAT WE CANNOT DO SO BECAUSE IT PRESUMABLY IMPINGES UPON COMMERCIAL INTERESTS. MEMBERS OF THE SUBCOMMITTEE, THINK OF THE TRIAD, AND THE INTERACTIVE NATURE OF THE AUXILIARY. THINK OF THAT MEMBER WHO DOES 80% OF THE AUXILIARIES' WORK AND THE NEGATIVE IMPACT THAT BEING EXTENSIVELY TRAINED AND NOT UTILIZED WILL

HAVE UPON HIM. THINK THEN ABOUT THE LOSS IN MOTIVATION THAT HAS OCCURRED AND WILL CONTINUE TO ESCALATE AS MORE AUXILIARISTS REALIZE THAT THEY CANNOT FULFILL THEIR CONGRESSIONAL MANDATE TO '. . . EFFECT RESCUES. . . ON THE HIGH SEAS', LET ALONE THEIR OWN DESIRE TO HELP THEIR FELLOW BOATERS WHO ARE IN NEED, REGARDLESS OF THE NATURE OF THEIR DISTRESS. CLEARLY, THE SCENARIO IS NOT ONE THAT WILL PROMOTE THE NEEDED GROWTH AND WELL-BEING OF THE AUXILIARY. IN THIS DISTRICT COMMODORE'S VIEW THE SINGLE MOST EFFECTIVE STEP THIS SUBCOMMITTEE CAN TAKE TO ADDRESS THE QUESTIONS IT INITIALLY RAISED IS TO WORK FOR THE REMOVAL OF THE OPERATIONAL RESTRICTIONS NOW PLACED UPON THE AUXILIARY BY THE COAST GUARD'S NON-EMERGENCY ASSISTANCE POLICY. THE BENEFITS WILL BE SEVERAL FOLD. FIRST, THE CREDIBILITY OF OUR ORGANIZATION, I. E., THE COAST GUARD FAMILY, TO ITS VOLUNTEER MEMBERS, THE AUXILIARY, WILL BE REESTABLISHED. SECONDLY , THE MORALE OF THE MEMBERSHIP WILL BE SIGNIFICANTLY INCREASED AND THIS IN TIME WILL PROMOTE GROWTH. THIRDLY, THAT GROWTH AND THE STRENGTHENING OF THE OPERATIONS CORNERSTONE WILL INSURE THE CONSEQUENT GROWTH OF BOTH THE PUBLIC EDUCATION AND VESSEL EXAMINATION PROGRAMS WHICH IN THE FINAL ANALYSIS ARE THE MOST EFFECTIVE MEANS OF PROMOTING SAFETY TO THE BOATING PUBLIC.

THANK YOU FOR YOUR ATTENTION, YOUR CONCERN, AND YOUR INTEREST.

CONGRESSIONAL SUBCOMMITTEE ON COAST GUARD AND NAVIGATION.

FIELD HEARING ON RECREATIONAL BOATING SAFETY - APRIL 25, 1988.

Riverhead Town Hall
Riverhead, New York

Testimony of Nelson K. Potter, Boating Law Administrator, State of New York.

Questions should be addressed to:

Nelson K. Potter
Director, Bureau of Marine
and Recreational Vehicles
New York State Office of
Parks, Recreation and
Historic Preservation
Agency Builing #1, 13th fl.
Albany, New York 12238
(518) 474-9758

I wish to thank the subcommittee for inviting me to participate in this field hearing on recreational boating safety and to give my views on how the State of New York sees this program.

Although I have good news for you on the effectiveness of boating safety programs on New York's waters, I am concerned that the partnership between the states and the Coast Guard is in serious danger. This is a critical problem. The Coast Guard cannot run a nationwide boating safety program without the participation of State and Local Governments. The States, however, need the Coast Guard's leadership. The Coast Guard has been able to focus the public's concern on boating safety at the National level. Without this, the National program will become fragmented and eventually ineffective. We also need the Coast Guard's ability to provide the resources that cannot be provided at the State and Local level. Safety standards, administration of motor boat fuel tax funds, coordinated search and rescure programs and a national boating safety training program for State and Local Government personnel are among these resources that we cannot provide outselves. What we can do, and this is the good news, is match these resources and provide programs within each state to carry out effective programs. I can illustrate the past effectiveness of the partnership with the following chart:

Federal Fiscal Year	Coast Guard Grant	State Expenditures	New York Registration	Fatalities
1961			253,132	63
1962			290,505	74
1963			347,250	66
1964			364,706	64
1965			378,941	88
1966			393,441	66
1967			405,107	71
1968			409,731	99
1969			423,925	51
1970			427,956	76
1971			428,114	90
1972	143,359	800,529	426,030	72
1973	197,481	1,045,975	371,764	132
1974	152,732	937,439	360,311	89
1975	205,307	509,504	347,211	83
1976	185,879	582,998	338,464	63
1976A*	49,653	69,358		
1977	145,189	599,754	335,288	55
1978	154,194	837,536	327,782	79
1979	130,135	not available	321,470	55
1980	no grant	not available	319,492	60
1981	no grant	not available	319,641	60
1982	no grant	7,336,500**	321,881	51
1983	703,412	742,515	327,700	60
1984	257,411	1,130,368	331,742	45
1985	307,467	3,655,746	340,300	53
1986	947,557	4,422,053	358,400	42
1987	1,018,957	4,451,919	383,868	37***
1988	702,898	5,134,400 est.		

* Federal Fiscal Year Switchover Grant
** New York local expenditures also allowed
*** Reported to Coast Guard, not yet official

Please note that as boating became more popular in the 1960's, fatalities rose but with the advent of a federal program (Boating Safety Act of 1971), the number of deaths started to decline. We can also see that the current program, which recycles motorboat fuel tax monies back into boating safety, is even more effective in driving the number of yearly fatalities lower in New York State.

This data shows unquestionably that the current program works in spite of:

- rising registration figures - overcrowed waterways
- diminishing Coast Guard role
- more horesepower available - faster boats

What are the exact reasons why New York's fatalities are on the decrease? I believe that the current program has allowed us to approach the Coast Guard's level of expertise in boating safety operations, has encouraged agressive and innovative boater safety education, has enabled us to upgrade an out-of-date navigational aids system and has made available federal training of the line officer.

The Coast Guard has also given the States National Leadership in the fight against boat operation while intoxicated. Whether or not intoxication was a leading cause of accidents, the important point is that the Coast Guard has turned what was an accepted practice (drinking and operating a boat) into unacceptable behavior within the boating community.

The states, and I can be positive in New York's case, can only continue to improve boating safety programs, however, with the continued stimulus provided by funding from Wallop-Breaux. These monies have enabled New York to put 56 new units on our waters, publish top-notch educational materials, upgrade the quality of our navigational aids and send personnel to Coast Guard and other quality training programs. It has allowed me to provide incentives to the New York State Park Police and Division of State Police to get involved in Boating Safety. These two organizations alone, have seven new units on patrol.

Even though the 1983-1988 program has been successful, much needs to be done both at the State and Federal level:

- The Coast Guard must retain both its leadership in boating safety and provide the services that the States are unable to provide. The states and the Coast Guard, however, cannot continue to compete for funds at the expense of the other.

- We must avoid the temptation of "quick fix" solutions and instead concentrate on steady progress in all areas of boating safety. Mandatory education for adults and operator licensing should rather be experiments that can be tested for effectiveness prior to the investment of great resources. New York already has a successful mandatory education program for youthful operators but

we have also shown that agressive voluntary education for adults works.

- We must continue to try to reach the non-traditional boater with our educational efforts so that more hunters, fishermen and weekend only recreationists appreciate the need for safter boating practices. This can be done at access sites, through dealers and personal contact at sports shows. One of our most successful experiments was to combine forces with the Empire State Marine Trades Association to distribute safety information to the boater before the boater hits the water!

- Progress must continue in the campaign to discourage operation while under the influence of alcohol and drugs. We are now studying possible ways to upgrade both observation and screening skills of our patrols as well as actual testing programs where appropriate.

- Outdated concepts must be reassessed and new ones evaluated such as zoning of congested waters, special regulations for personal watercraft, mandatory safety devices for youngsters and registration for non-mechanically powered watercraft.

- Voluntary organizations and industry must be encouraged to become even more involved in boating safety rather than given the impression that boating safety is a government only function. We need everyone.

- Very importantly, our more congested waterways must be relieved of pressure through increased access to underutilized areas. Continued access monies from Wallop-Breaux will help us make progress.

- We must cover more of our waterways with patrols rather than close Coast Guard facilities. In New York, we still have areas of the Hudson River, Lakes Ontario and Champlain, the St. Lawrence River and interior lakes and rivers that have no patrols! How can we solve this problem if each year start-up money for new projects under Wallop-Breaux is in danger of being cut?

In closing, I must urge you to reauthorize the entire Wallop-Breaux program at its highest possible amount as well as fund Boating Safety in the Coast Guard at the level which will provide National program leadership and needed services. Our alternative, if this is not done, is to assume that boating safety will take care of itself. I assure you, it will not take care of itself.

Again, thank you for this opportunity to appear.

PREPARED TESTIMONY OF DEPUTY CHIEF RAYMOND L. CRAWFORD
ON BEHALF OF NASSAU COUNTY POLICE DEPARTMENT, MINEOLA, NEW YORK
SAMUEL J. ROZZI, COMMISSIONER OF POLICE
APRIL 25, 1988
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION
U.S. HOUSE OF REPRESENTATIVES

On behalf of the members of the Nassau County Police Department, and in particular Commissioner Samuel J. Rozzi, I thank you for providing this opportunity to testify on issues which relate to boating safety.

By way of introduction, the Nassau County Police Department is a 4300 member agency which provides a full range of police services to a population of 1.3 million. We take pride in our service philosophy which responds to the public's safety and quality of life concerns.

Nassau County is a boating community located on Long Island, with the Atlantic Ocean on its south shore and Long Island Sound on the north. It has 114 miles of shoreline punctuated by hundreds of inlets, canals, coves, bays, harbors, and barrier beaches which are heavily used by local recreational boaters as well as many mariners from the greater New York Metropolitan area, Connecticut, New Jersey, Rhode Island and Massachusetts. This unique geographical position offers the potential for more than 200,000 vessels to navigate within our waterways.

Accordingly, the Nassau County Police Department recognizes the need to provide those services essential to the safety of the boating public. This is accomplished primarily through our Marine Bureau which provides year-round, twenty-four-hour-per-day police patrol of local waters. The efforts of this unit are further supported and complemented by the Department's Air Bureau, which is equipped with 4 Bell Helicopters capable of search, rescue, and surveillance operations over the water.

The Nassau County Police Department's Marine Bureau is staffed by 85 sworn Officers who patrol in 11 boats and perform the following related duties:

1. Search and Rescue.
2. Crime Deterrent Patrol.
3. Enforcement of local codes and navigational law.
4. Assists to disabled boats.
5. Response to boat fires.
6. Safety Inspections.
7. Boater Safety Education.
8. Investigation of Maritime Incidents (boat accidents, drownings, thefts, overdue boats, etc.).
9. Environmental studies in support of Federal Environmental Protection Agency, New York State Conservation Department, and Nassau County Health Department.

10. Response to and assist at marine spills of hazardous materials, petrochemical and waste by-products in support of various federal and local agencies.
11. Underwater Search and Rescue (SCUBA).
12. Hull Inspections under New York State Law.

Nassau County, and specifically our Marine Bureau, allocates and expends resources in these activities because of a serious concern for the safety of boaters, a perception that experience indicates is well-founded for several basic reasons. The first relates to Causative Factors and the second, to Public Concern and Awareness.

1. Causative Factors Include:

   A. Marked increases in the number, use, size, and speed of recreational boats.

      1. New York State boat registration up 32% from 1986 to 1987 totaling 383,000.
      2. Long Island registered boats number approximately 130,000.
      3. Other local boats bring regional total to over 200,000 boats.

   B. Widespread ignorance or disregard for safe boating laws and practices.

      1. In the past three years citations and arrests for navigation/safety violations in Nassau County increased 70%.
      2. Boat accidents increased over 25% from 1984 to 1987.
      3. Complaints received regarding navigation violations increased over 200% from 1984 to 1987.
      4. Reports and arrests of persons for "Boating While Intoxicated" have increased.
      5. Fatal and injurious boat accidents increased from 1986 to 1987.

   C. Lack of State or Federal Regulation of recreational boat operators.

      1. No licensing predicated on a test of safe boating knowledge and skills.
      2. No quality control regarding operation of boats.
      3. No age limits regarding boat operation.

D. Actual and perceived decrease in presence of safety, enforcement, and regulatory agents in local waters.

1. Police resources have remained constant with seasonal increases.
2. Offset by decreased presence of U.S. Coast Guard patrols/substations.
3. Decrease in Coast Guard Auxiliary and Power Squadron activity.

E. Inadequate marina and launching facilities.

1. Increase in trailered boats.
2. Only 12 public access launch ramps for entire County.
3. Crowded anchorages increase navigation hazards.
4. Saturation causes lineups and waits of over 1 hour to launch boats resulting in carelessness and decreased safety.

2. Public Awareness and Concern:

A. Complaints regarding boating safety have increased 30% from 1985 to 1987.

B. Input and feedback from organized boating interests indicate growing concern regarding the level of safety on the water.

In light of these and other factors relating to public safety on the water, the Nassau County Police Department is committed to maintaining its Marine Bureau as a necessary and critical service to its citizens and others who visit our waters. In that regard we support and urge the continuation of funding to localities through the Boat Safety Account of the Aquatic Resources Trust Fund.

To date the funding received by the Nassau County Police Department under this program has enabled us to substantially augment our patrol and enforcement efforts during the boating season. Indeed, since 1984 this funding has permitted us to increase both patrols and enforcement of violations related to boating safety. In fact, as a direct result of our commitment made under the funding agreement, we have increased actual yearly boating safety enforcement by 70% while also upgrading equipment and increasing staffing levels.

The continuation of this funding will enable the Nassau County Police Department to maintain and enhance its boating safety programs. This is particularly important, if not imperative, at a time when the U.S. Coast Guard is curtailing its presence and support in local waters, thereby bringing even more pressure on local agencies to address such issues.

With increases in the numbers of boats, boat accidents, injuries and navigation violations, the funding program should provide improved motivation and resources to the localities that must deal with the problems.

In conclusion, as we continue our cooperative efforts to protect the public, the Nassau County Police Department strongly urges continued and increased funding support for local boating safety programs.